

War Department plan as embodied in House Document No. 81; to the Committee on Rivers and Harbors.

Also, declaration and affidavit of Herschel W. Howland, of Yreka, Cal., to accompany House bill 23656; to the Committee on Invalid Pensions.

Also, resolutions of the Chamber of Commerce of Greenville, Cal., to accompany House resolution 522, relative to Japanese activities against United States Government; to the Committee on Rules.

Also, petition of citizens of the United States, relative to the American flag on American steam vessels; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Petition of citizens of Connecticut, relative to land now occupied by the New York general post office; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Philadelphia, in opposition to the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petitions of allied committee of the Political Refugee Defense League of America, New York, and the Grand Lodge, Independent Order of King Solomon, of New Jersey, protesting against the Dillingham bill (S. 3175) relative to restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of John J. Morrison, mayor of New Brunswick, N. J., favoring passage of Senate bill 6496, for the protection of passengers on ocean vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Thread Co., New York, favoring passage of House bill 309, relative to appropriation for the raising of the levees of the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the Chamber of Commerce of New York State, protesting against passage of a bill prohibiting the use of the Panama Canal by steamship companies in which a railroad has an interest; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Petition of citizens of Michigan, favoring legislation that will give the Interstate Commerce Commission further power toward regulating express rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Michigan, protesting against passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of Aaron Weiss Lodge, No. 244; Wanderer Lodge, No. 278, Order B'rith Abraham, of New York City, N. Y.; and Coza Makers' Progressive Salem Alliance, No. 90, of New York, against passage of Senate bill 3175, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of W. O. Hart, of New Orleans, La., favoring passage of Burton-Littleton bill creating a national commission for the purpose of arranging for the celebration of 1914 and 1915; to the Committee on Industrial Arts and Expositions.

Also, petition of Sorens T. Johnston, of New York City, N. Y., favoring passage of House bill 4667, known as the Stevens-Gould net-weight bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Association of Machinists, West Side Lodge, No. 320, favoring passage of House bill No. 22339, against use of stop watch in Government shops; to the Committee on the Judiciary.

Also, petition of the Silverton Commercial Club, of Silverton, Colo., favoring passage of House bill 22081, to establish a mining experiment station at Silverton, Colo.; to the Committee on Mines and Mining.

Also, petition of the Sons of the Revolution of New York City, N. Y., favoring passage of Senate bill 271, an appropriation to cover expense of collecting and printing, etc., unpublished archives of United States Government relating to War of the Revolution; to the Committee on Military Affairs.

Also, petition of Herbert L. Griggs, of New York City, N. Y., favoring passage of a bill appropriating \$200,000 for the efficiency bureau in connection with the bureau of municipal research; to the Committee on Appropriations.

By Mr. TALCOTT of New York: Petition of the Sons of the Revolution in the State of New York, favoring appropriation for publication of all records and archives relative to the Revolutionary War; to the Committee on Military Affairs.

Also, petition of the allied committees, Political Refugee Defense League of America, New York, protesting against passage of the Dillingham bill (S. 3175) for literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. UTTER: Petition of the Walchemohet Woman's Christian Temperance Union, of East Providence, R. I., favor-

ing passage of House bill 16214, to withdraw from interstate-commerce protection liquors imported into dry territory for illegal use; to the Committee on Interstate and Foreign Commerce.

Also, petition of Providence Lodge, No. 214, and Sons of Jacob Lodge, No. 175, Independent Order B'rith Abraham, Providence, R. I., protesting against the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the Sons of Revolution in the State of New York, favoring an appropriation relative to printing and publishing of records and archives of the Revolutionary War; to the Committee on Military Affairs.

Also, petition of the National Association of Talking Machine Jobbers, Pittsburgh, Pa., protesting against any change in the patent laws that may affect price maintenance; to the Committee on Patents.

Also, petition of citizens of Philadelphia, protesting against the passage of the literacy test for immigrants; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, May 11, 1912.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

FIFTIETH ANNIVERSARY OF THE BATTLE OF GETTYSBURG (S. DOC. NO. 663).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to Senate concurrent resolution 19, certain information relative to the observance of the fiftieth anniversary of the Battle of Gettysburg and the proper representation of the Government thereat, which, with the accompanying papers and illustrations, was referred to the Special Committee on the Fiftieth Anniversary of the Battle of Gettysburg and ordered to be printed.

LAWRENCE (MASS.) STRIKE (S. DOC. NO. 662).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of the 7th instant, certain information relative to the wages and conditions of living of the mill operatives in Lawrence, Mass., which was ordered to lie on the table and to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Henrietta B. Hawes, administratrix of the estate of David C. Houston, deceased, *v. United States* (S. Doc. No. 661);

Francis H. Hardie, Joseph C. Hardie, Caroline H. Neal, Catherine M. Hardie, and Isabelle H. Hardie, children and sole heirs at law of James Allen Hardie, deceased, *v. United States* (S. Doc. No. 664);

Seneca H. Norton *v. United States* (S. Doc. No. 660);

Isabella H. Adams, administratrix of the estate of Arthur Hubert Burnham, deceased, *v. United States* (S. Doc. No. 659);

Mary O. H. Stoneman, administratrix of George Stoneman, deceased, *v. United States* (S. Doc. No. 658); and

D. M. Carman *v. United States* (S. Doc. No. 657).

The foregoing findings were, with accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. It asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPARKMAN, Mr. RANSEDELL of Louisiana, and Mr. LAWRENCE managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

The message further requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 6000) to

increase the limit of cost of the United States post-office building at Huron, S. Dak., the original having been lost or mislaid.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the bill (H. R. 1) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. CUMMINS. I present the memorial of Rev. James Mulligan, of Waverly, Iowa, relative to the Owen medical bill. I ask that the memorial lie on the table and be printed in the Record without reading.

There being no objection, the memorial was ordered to lie on the table and to be printed in the Record, as follows:

WAVERLY, IOWA, May 2, 1912.

Hon. A. B. CUMMINS,
Washington, D. C.:

I have your kind letter with amended Owen bill inclosed, and I thank you for the same no less than for the invitation to state my objections to the bill in some detail.

I have examined carefully the modifications that have been made in committee, but they do not, in my humble estimation, make it any less objectionable than it was before.

I can readily agree, as is being argued, that the text of the bill carries no suggestion of tyranny or oppression, but if you will examine the statutes of the States where, for the aggrandizement of orthodox medicine and in the name of the public health, the gravest outrages against the rights of the individual are of frequent occurrence, I am sure you will find that they in their text suggest purposes no more sinister than are found in the language of the Owen bill.

In none of these statutes will you find it written that citizens may be legally persecuted for believing that God reigns supreme on earth as in heaven, provided they have the temerity to put their faith to practical test in time of illness. Rarely will you find it stated in express terms that men and women may be legally branded as unclean and deprived of the privileges of organized society because, forsooth, they decline to subscribe to the medical dogma that the health of their offspring can be preserved by defiling their blood with the festering corruption of the beasts of the field. And never in any statute, I venture to say, will you find it written that perfectly healthy citizens may be imprisoned for a term of months and even years without any process of judicial procedure on the mere embryonic theory that they are carriers of disease. And yet, as you must be aware, such outrages are of common and growing frequency in a number of our States. And how is this possible? Not because legislators have sanctioned them in the written law, but because health boards, once established, quite invariably assume the right to formulate rules that have all the force of law and to act as prosecutor, judge, jury, and appellate court in compelling their enforcement.

While the people could be persuaded that such stringencies were for the common good, there was no general protest, but as they have gradually grown to suspect that the interest of a predatory organization was the chief end being served, there has come an unrest that is foreboding a limitation to the powers of the State medical oligarchies; and this is met with the present effort to buttress themselves behind the power and influence of the Federal Government.

I believe it but fair to assume that the authority which would be merged into this proposed new health establishment is at least equal to that wielded by any State health board, and that, with no restraining hand over it save that of the President's, assumption of power through the formulation of rules could be carried to almost any extreme. And it goes without saying that power would be thus assumed and that it would be exerted for the advantage of the medical sect in control.

I know it is argued with much unction that there would be no attempt to exercise power within a State except upon the express invitation of its governor "or other proper authority." Indeed, the bill expressly provides this alleged safeguard, but it is apparent to me that in practice it would be as meaningless as that other provision which assumes to safeguard from discrimination the weaker sects of medicine and healing. Let no one be deceived as to these points. If the proposed health service could not extend its authority into the States except in rare emergencies, there would issue from the States no clamor for it. And this clamor would not come exclusively from the physicians of one school of medicine. It is fair to say, save that they saw in the project something for their own advantage.

I know that there can be shown to us provisions of our Constitution which should seem to be ample to quiet all the fears we may have as to assaults upon our liberties in the administration of the Owen bill, but in the light of a condition and the text of the bill itself these safeguards become frail indeed. The condition of which I speak is found in the fact that the American Medical Association, chief proponent and sponsor for the bill, would provide not only the medium by which the officers operating under it could be converted into State officers, but also the medium by which Federal authority could be converted into or disguised as State authority. Let me invite your attention to the fact that the personnel of the public-health boards of the States no less than of the medical functionaries of the Federal Government is identical with the personnel of the organization so persistently urging this legislation; and let me remind you, also, that the "other proper authority of a State" upon whose invitation the Federal health officers may invade a State, according to section 3 of the bill, almost necessarily describes the health board of a State. Consider all of these things together, my dear Senator, and I think you must conclude, as I have done, that the administration of the proposed law would be quite as completely in the hands of the American Medical Association as if Congress so designed it.

If you have pursued my letter thus far, you will doubtless perceive that I regard the Owen bill as objectionable in its entirety, and that it would be beyond my power to suggest any changes that would make it acceptable. And that, in truth, sums up my attitude with complete exactness. In taking this position, however, I should wish you to understand that I am not less solicitous for the welfare of my fellow creatures than the most disinterested of those who are petitioning you to undertake to check the ravages of disease by legal enactment. My calling brings me in contact with sorrow and suffering caused by disease and its consequences, and I hope you will believe me when I say that

if I could be convinced the adoption of the Owen bill would relieve this distress even in a small degree I would welcome it gladly, despite the sinister purpose I see lurking behind it. It is deplorable, if true, that 600,000 of our people come to an untimely end each year through disease, but in the distribution of these fatalities it is found that the States maintaining the most elaborate health departments quite uniformly bear a larger share of the number than do the States that maintain small and inconsequential ones. In the light of such an anomaly, therefore, it requires more credulity than I possess to concede that the establishment provided for by the Owen bill would be capable of reducing the ravages of disease in the smallest degree. Quite the contrary, I should fear that the adoption of this measure would have the effect of increasing illness, especially if it is contemplated, as I believe it is, that the bureau of publications provided for therein shall engage in the popular distribution of health (disease) bulletins. I am firmly of the belief that thoughts freighted with the fear of illness are more potent of evil as disease carriers than the types of God's humble creatures that we are persistently urged to "swat." Science has long recognized the value of suggestion as a curative agency, and our most advanced thinkers recognize that the same agency can produce, if not disease itself, at least the morbid condition of mind and body that invites it.

I am not a scientific man in any sense, but in the course of a busy life I have had under my observation a number of cases of illness produced by suggestion, and at the risk of wearying you I will refer to one of them. One morning, a few years ago, I boarded a train at West Union, Iowa, where I was then established, en route for Turkey River. It was a route I frequently traveled, and I was acquainted with the trainmen. When the conductor approached, he told me confidentially that they were having some sport with Jimmie, the new brakeman, by persuading him that he looked very ill, and he asked me to aid in carrying the joke along. I declined to do so, but other passengers were more accommodating, and Jimmie was not only persuaded that he looked ill, but he actually became ill, and at Turkey River I saw him carried from the train on a stretcher as sick a lad as I ever looked upon that made a subsequent recovery.

Authentic cases such as I have here cited could, I believe, be multiplied almost without number, but if we recognize that influences on the mind are even small factors in the causation of disease, should we not hesitate ere we sanction the popular distribution of bulletins under the seal of the Government that deal with the subject of disease?

I do not believe that many of our people are lacking in knowledge of the conditions that make for bad health. Not of their own choice are many of them ill housed, ill nourished, or subjected to excessive fatigue or pestilential environment. Man's very struggle for existence is an effort to attain for himself and family a plane of living making for the best possible health conditions, and that more and more are reaching this plane with the passing years is shown by the vanishing scourges and the lowering death rate. That those who make our laws can help in this conquest of disease which is being wrought by advancing civilization will not be gainsaid, but the help must be in the way of improving economic conditions by lightening the burdens of taxation rather than by devising expensive establishments such as you now have under consideration, to sap from the people the substance upon which their health and well-being so largely depend.

I again thank you for this opportunity to place before you my views on this subject, and, should you regard them worthy of consideration, I would be pleased if you will do me the honor of placing them, in the form of a memorial, before your distinguished associates.

Assuring you of my profound respect, I remain,

Your obedient servant,

REV. JAMES MULLIGAN,
Priest of St. Mary's Catholic Church.

Mr. FLETCHER presented a petition of sundry citizens of Tampa, Fla., praying that an appropriation be made for the relief of the sufferers from the Mississippi River floods, which was ordered to lie on the table.

Mr. JOHNSON of Maine presented a petition of members of Solid Rock Grange, Patrons of Husbandry, of Maine, praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

Mr. GARDNER presented petitions of Local Union No. 517, United Brotherhood of Carpenters and Joiners of America, of Portland; of Weavers' Union No. 599, of Lisbon; and of Local Union No. 69, International Brotherhood of Stationary Firemen, of Millinocket, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Board of Trade of Portland, Me., remonstrating against the abolishment of the Bureau of Manufactures, which was referred to the Committee on Appropriations.

Mr. BRISTOW presented petitions of the congregations of the Central Christian Church and the First Baptist Church, of Arkansas City, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Wicwas Lake Grange, No. 292, Patrons of Husbandry, of Meredith Center, N. H., praying for the establishment of a parcel-post system and remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Citizens' Northwest Suburban Association, of the District of Columbia, remonstrating

against the enactment of legislation to provide for deficiencies in the police and firemen's relief fund, and also against the enactment of legislation to provide for the appointment of a director for the public schools of the District, which was ordered to lie on the table.

Mr. NELSON presented a petition of sundry citizens of Stillwater, Minn., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

He also presented a petition of members of the Saturday Lunch Club, of Minneapolis, Minn., praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Eastern Minnesota Dairymen and Buttermakers' Association, praying for the enactment of legislation to regulate the excess moisture in butter, which was referred to the Committee on Agriculture and Forestry.

Mr. TOWNSEND presented petitions of sundry citizens of Howard City and Adrian, in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SMITH of Arizona presented a telegram in the nature of a petition from W. Warner Watkins, secretary of the Arizona Medical Association, of Phoenix, Ariz., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. CULLOM presented a petition of the Church Fraternal, of Monmouth, Ill., praying for the enactment of legislation granting the privileges of second-class mail matter to publications of fraternal societies, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry officers of building and loan associations of East St. Louis, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which was referred to the Committee on Finance.

Mr. ROOT presented a resolution adopted by members of the board of aldermen of New York City, N. Y., favoring an appropriation of \$5,000,000 for the erection of a new post office in that city, which was referred to the Committee on Public Buildings and Grounds.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. DAVIS. Mr. President, it is rather late, but I have a couple of remonstrances against the so-called employers' liability act, which was passed by the Senate. I ask that they be printed in the RECORD without reading.

There being no objection, the memorials were ordered to lie on the table and to be printed in the RECORD, as follows:

PINE BLUFF, ARK., May 9, 10, 1912.

HON. JEFF DAVIS,

Care United States Senate, Washington, D. C.:

Please have this message printed, front page, morning and evening papers, Washington. Reference, Cotton Belt Savings Bank, Pine Bluff. Mail me copy of papers.

Hon. James S. Sherman, President United States Senate, and Senators assembled:

The members of the Brotherhood of Railway Trainmen, Lodge 305, earnestly request your assistance and pray that you may see your duties to the railroad employees and defer action on workmen's compensation bill at this session of Congress, thereby giving them an opportunity to study and better understand the vital principles involved. As we now see it this pending bill is very detrimental to all classes of labor. We believe this to be a measure fostered by corporate interests, aiming at the elimination of our liability laws. We would have stated our objections sooner and at more length, but were handicapped on account of the interpretation placed upon laws governing our organization.

W. S. BAUM, President Lodge 305.

STATE LEGISLATIVE COMMITTEE,
Clinton, Ill., May 7, 1912.

HON. JEFF DAVIS, Washington, D. C.

DEAR SIR: In your fight against the compensation bill, I would like to advise that the rank and file of men engaged in train service do not want that kind of law, and the leaders of the organizations have not consulted the men regarding the matter. I am sending you under separate cover several copies of a resolution adopted by the four organizations in union meeting held at Springfield, Ill., February 26-29, 1912. We consider that the compensation measure will not compensate; that it is merely a will-o'-the-wisp and a scheme to place our welfare in the hands of the insurance companies. The railroads will then inaugurate relief propositions and force the men to pay for each others' injuries and death. We are willing to take our chances in the courts, but can not do so with the bill as drawn up by the twenty or more railway attorneys. Give us a law eliminating assumption of risk, contributory negligence, and the fellow-servant rule and I can assure you that the railroad men will be very thankful. We can then go into court as American citizens, even though the lawyers do get part of the judgment. The railroads are trying to force men in train service down to the level of the lowest, and should the compensation act become a law every railroad in this country would at once discontinue their claim departments. If you can avoid using my name in this matter will be glad to have you do so, as our president would

surely have me expelled from the organization for taking this stand. As I have a wife and nine children I can ill afford to lose my insurance.

Nearly every State in the Union was represented in the union meeting.

With best wishes, I beg to remain,

Yours, truly

LOSS OF STEAMER "TITANIC."

Mr. DAVIS. Mr. President, it is not exactly in the shape of a memorial, but I noticed in the New York American in the issue of Tuesday, the 7th, a commendation of the committee making the *Titanic* investigation. I wish to say, Mr. President, that that is one investigation which has met my entire approval, and this article expresses my views so admirably that I ask the indulgence of the Senate for a moment while it is read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The matter was read and referred to the Committee on Commerce, as follows:

[From the New York American of Tuesday, May 7.]

CHAIRMAN SMITH AND THE "TITANIC" INVESTIGATION.

Now that the *Titanic* investigation is ended, the country should take note of the fact that it was well done. The work of the Senate committee was worthy of the best traditions of the Senate—the old-fashioned traditions, free from all empty formalism and the taint of favor and privilege.

Senator SMITH deserves the strongest commendation. It was mainly due to his energetic initiative, to his searching, indefatigable patience and thoroughness, to his keen insight and strong common sense that the work was done and finished in a manner that leaves nothing to be desired.

There were powerful financial interests opposed to this inquest, and there was a powerful inertia of senatorial habit that had to be overcome. But under the driving hand of the sturdy Senator from Michigan the committee took to its task without the loss of a day or an hour, and kept at it steadily, passing back and forth between New York and Washington, until the last scrap of material testimony had been wrung from the most unwilling witnesses.

Americans are not greatly concerned with the criticisms that have been passed upon this investigation by inspired organs of corporate influence and political red tape in Great Britain. On this side of the water it seems that the jests about Senator SMITH's lack of nautical language are frivolous and senseless, since the information to be elicited was not for the use of sailors, but for legislators, who understand best the language of landmen.

Nor does it seem to Americans that the eagerness of some Englishmen to make light of this serious matter does any credit to English sensibility and good taste. That the greatest of ships, built and manned by Englishmen, should have foundered in midocean with such fearful loss of life and under circumstances so gravely discredit to English commercial methods and English seamanship is hardly a fit subject for English jokes.

In the trial of this capital case of Modern Civilization v. The *Titanic* Homicide, the British Board of Trade is the chief prisoner in the dock.

It is unlikely that the investigation now going on in England, under rules imposed by this same British Board of Trade, will yield results half so satisfactory to civilization as the findings of Senator SMITH and his colleagues.

BUREAU OF PUBLIC HEALTH.

Mr. WORKS. Mr. President, in some remarks I made a few days ago in opposition to Senate bill No. 1, generally known as the Owen medical bill, I said, in substance, that there was no demand for the passage of the bill except by the American Medical Association or any sentiment in its favor except such as has been manufactured by that association, or words to that effect. I have here a copy of a letter sent out by the American Medical Association. It is quite short, and I desire to have it read and printed in the RECORD, including the names of the physicians appearing at the head of the letter.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The letter was read and ordered to lie on the table, as follows:

[Council on Health and Public Instruction: Henry B. Favill, chairman, Chicago; Joseph N. McCormack, Bowling Green, Ky.; Henry M. Bracken, St. Paul, Minn.; Walter B. Cannon, Boston, Mass.; Frederick R. Green, secretary, Chicago.]

AMERICAN MEDICAL ASSOCIATION,
535 Dearborn Avenue, Chicago.

To the Members of the National Auxiliary Legislative Committee.

DEAR DOCTOR: The Owen bill (No. 1) has been reported on favorably by the committee and is now before the Senate. The time has come to impress on Members of the Senate the importance of this bill to the public health. If Senators are convinced that this measure is desired by their constituents there will be little difficulty in securing its passage. Will you, as a member of the national auxiliary legislative committee, kindly take the following steps at once:

1. Telegraph to the Senators from your State, asking them to support Senate bill No. 1 for the sake of the public health.
2. Have as many physicians as possible in your county do the same thing.
3. Have a resolution indorsing the bill, and asking your Senators to support it, passed at once by your county society and a certified copy sent to both of your Senators. Have a special meeting of your county society called, if necessary.
4. Get as many prominent citizens in your county as possible to wire or write the Senators from your State, asking them to vote for the Owen bill. The support of judges, lawyers, ministers, school superintendents and teachers, prominent club women, business men, and others is particularly desirable.

5. Secure action on this measure by women's clubs, local health organizations, civic or commercial organizations, or any other influential bodies in your county, having copies of the resolution adopted in each case sent to your Senators.

6. Get the indorsement of any newspapers in your county and secure favorable editorial comments, if possible.

While the indorsement of physicians is of value, telegrams, letters, and resolutions from nonmedical individuals and organizations are particularly desired as evidence of public sentiment. I am inclosing a copy of the report of the Senate committee, also some extracts from the Journal of April 27.

The bill has not yet been introduced in the House of Representatives. Present efforts should be concentrated on Senators. Prompt action on the above suggestions will greatly increase the effectiveness of any work which you may be able to do.

Very truly, yours,

FREDERICK R. GREEN,
Secretary.

REPORTS OF COMMITTEES.

Mr. WETMORE. I am directed by the Committee on Naval Affairs, to which was referred the bill (S. 3035) to grant an honorable discharge to William T. Haskins, alias William Thomas, to report it back with the recommendation that it be indefinitely postponed, the beneficiary thereof having died. (S. Rept. 736).

The VICE PRESIDENT. The bill will be postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 2047) for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes, submitted an adverse report (No. 737) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (S. 4148) to provide for the acquiring of title to public lands classified as and carrying phosphate deposits, reported it with amendments and submitted a report (No. 738) thereon.

Mr. HEYBURN. From the Committee on Public Buildings and Grounds I desire to report favorably Senate bill 139, providing for the purchase by the Government of lands south of Pennsylvania Avenue, with an amendment, and I submit a report (No. 739) thereon.

The VICE PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (S. 139) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWNSEND:

A bill (S. 6780) granting a pension to Dewitt C. Bush (with accompanying paper); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 6781) in reference to the issuance of patents and copies of surveys of private land claims; to the Committee on Private Land Claims.

By Mr. SMOOT:

A bill (S. 6782) to establish a public-health service, and for other purposes; to the Committee on Public Health and National Quarantine.

By Mr. CHAMBERLAIN:

A bill (S. 6783) granting a pension to Thomas B. Rand; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6784) for the relief of the Garden City (Kans.) Water Users' Association, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. CULLOM:

A bill (S. 6785) granting a pension to Gertrude M. Snedeker (with accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6787) granting an increase of pension to William Harrison; and

A bill (S. 6788) granting an increase of pension to Joseph Johnson; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6789) granting an increase of pension to William T. Hutton (with accompanying papers);

A bill (S. 6790) granting a pension to Arbell Skaggs (with accompanying papers); and

A bill (S. 6791) granting an increase of pension to Sarah E. Johnson (with accompanying papers); to the Committee on Pensions.

SCHOOL LANDS IN ARIZONA.

Mr. ASHURST. I introduce a bill to further assure title to sections 16 and 36, heretofore reserved to several States in aid of the public schools. I ask to have it read at the desk. It is a short bill.

The bill (S. 6786) to further assure title to sections 16 and 36, heretofore reserved to several States in aid of the public schools, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That all lands heretofore reserved by any act of Congress for the purpose of being applied in aid of public schools in the Territories, and States and Territories erected out of the same, which were public lands and were free from any valid adverse claim initiated prior to the date of the approval of any act of Congress, so reserving such lands in aid of public schools, shall belong to the particular State in which such lands are situated and shall be applied in aid of the public schools within such State, and all such lands, whether surveyed or unsurveyed, so reserved, within national forests now existing or proclaimed shall be administered as a part of the said national forests; but at the close of each fiscal year there shall be paid by the Secretary of the Treasury of the United States to such State, as income for its common-school fund, such proportion of the gross proceeds of all the national forests within such State as the area of such lands heretofore reserved within such State for school purposes may bear to the total area of said national forest.

Mr. ASHURST. Mr. President, I desire to make a brief explanation as to the purpose of the bill which I have just introduced.

In the year 1878 the Congress of the United States—section 1946, Revised Statutes of the United States—reserved in Arizona and all the other Territories all of sections 16 and 36 of the public lands, with the view that when the Territories were erected into States such sections 16 and 36 should be applied for the benefit of the public schools.

Some years ago the then Secretary of the Interior, in my judgment without warrant of law, began to dispose of and administer the unsurveyed sections 16 and 36 that were lying within forest reserves or national forests as part and parcel of the forest reserves or national forests instead of treating them as school lands, thus depriving the State of Arizona, or rather the common-school system of the State of Arizona, of the income, issues, rents, profit, and use of these particular school sections. At that time I happened to be the district attorney of Coconino County, one of the counties of Arizona within which are situated a large number of these unsurveyed sections 16 and 36, and I prepared an opinion wherein, after careful investigation of the law upon the subject, I held that sections 16 and 36, whether surveyed or unsurveyed, could not legally be used or treated by the Forest Service or by the Department of the Interior for any purpose, because they were reserved by Congress for the common schools.

I am exceedingly anxious to see to it that the identical sections 16 and 36 as were reserved in 1878 shall not be lost to the common schools in Arizona, for at this time nearly one-half of all Arizona is included within some kind of a reserve, and if these sections 16 and 36, or any of them, be lost, selections of land equally as valuable as lands that were granted in 1878 will be difficult.

I ask permission that I may, without reading the same, incorporate into the RECORD with this bill the opinion which I wrote in support of my position.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The brief referred to is as follows:

OPINION RENDERED BY HENRY F. ASHURST, DISTRICT ATTORNEY OF COCONINO COUNTY, ARIZ.

FLAGSTAFF, ARIZ., February 21, 1907.

To the honorable the Board of Supervisors of Coconino County, Ariz.

GENTLEMEN: Referring to yours of recent date, in which you request from me a written opinion as to whether your body has the power and authority to lease sections numbered 16 and 36, within Coconino County, where such sections 16 and 36 lie within the exterior boundaries of a forest reserve and were unsurveyed at the time of the establishment of such forest reserve, you are advised that your body has the power and authority, under title 65 of the revised statutes of Arizona, 1901, to lease sections 16 and 36, notwithstanding they were unsurveyed at the time such sections were included within the exterior limits of a forest reserve. For the purposes of this opinion all references to "lands embraced within the exterior limits of a forest reserve" shall be construed to refer to lands that lie within the exterior boundaries or outside limits of a forest reserve but which are not an integral part of the forest reserve.

You are further advised that any attempt on the part of the President of the United States or on the part of the forest-reserve officials to include sections 16 and 36 (whether surveyed or unsurveyed) within a forest reserve, and thus make such sections 16 and 36, or any of them, an integral part of any forest reserve, is an act which is ultra vires and void; and any strained construction placed upon section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes" (the same being the act of Congress which gives the President the power to establish forest reserves), by the President of the United States or the Interior Department of the United States or the Forestry Department, which attempts to treat sections 16 and 36 (whether surveyed or unsurveyed) at the time of the creation of the forest reserve as an integral part

of any forest reserve, is an assumption of power by the executive branch of the Government that has never been delegated to it either expressly or by implication.

The executive branch of the Government derives its power and authority to create forest reserves under and by virtue of section 24 of the act of Congress, approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," which section reads as follows:

"Sec. 24. That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall by public proclamation declare the establishment of such reservations and the limits thereof." (Mar. 3, 1891.)

Even a cursory examination of the above section 24 readily discloses that the power of the President of the United States in the matter of creating forest reserves is limited to the extent that he may create forest reserves out of the public lands only.

Congress, in describing the character of lands out of which the President may create forest reserves, used the term "public lands" and no other descriptive term, and the repeated use of the term "public lands" in the said section 24 by Congress indicates an obvious intention on the part of Congress that the President shall not create forest reserves out of any character of lands other than public lands. Applying to the said section 24 the maxim "expressio unius est exclusio alterius"—the expression of one thing is the exclusion of others—the executive branch of the Government in creating forest reserves is limited to the lands that have never lost their character as public lands.

Certainly no one would seriously contend that under the act of Congress approved March 3, 1891, supra, the President can create forest reserves out of lands that have lost their character as public lands; and if the power be not found in the said act of March 3, 1891, supra, it does not exist at all. Now, observing that the President may not create forest reserves out of lands that have lost their character as public lands, we proceed to ascertain what are "public lands."

In the case of *Newhall v. Sanger* (see 92 U. S., 769; 2 Otto, 761) the Supreme Court of the United States held that the words "public lands" are habitually used in our legislation to describe such as are subject to sale or other disposal under the general laws. Also see the case of *de La Fayette Wilcox v. John Jackson on the demise of Murray McConnell*, reported in the *Thirteenth Peters*, page 498. In that case the Supreme Court of the United States held: "But we go further and say that whenever a tract of land shall have once been legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands, and that no subsequent law or proclamation or sale would be construed to embrace it or to operate upon it, although no reservation were made of it."

On this point also, see *United States v. Fitzgerald* (15 Peters, 417) and the case of *Easton v. Salisbury* (21 Howard, 428); and see, especially, *Burfenning v. Chicago, St. Paul, Indianapolis & Omaha Railway Co.* (163 U. S., 319; also reported in 41 L. Ed., 175). "But it is also equally true that when by act of Congress a tract of land has been reserved for homestead and preemption, or dedicated to any special purpose, proceedings in the Land Department, in defiance of such reservation or dedication, although culminating in a patent, transfer no title, and may be challenged in an action at law. In other words, the action of the Land Department can not override the expressed will of Congress or convey away public lands in disregard or defiance thereof. (*St. Louis Smelting & Refining Co. v. Kemp*, 104 U. S., 636-646, 26: 875-879; *Wright v. Roseberry*, 121 U. S., 488-519, 30: 1039-1048; *Doolan v. Carr*, 125 U. S., 618, 31: 844; *Davis v. Wiebold*, 139 U. S., 507-529, 35: 238-246; *Knight v. United Land Association*, 142 U. S., 161, 35: 974) * * *

"* * * It has been repeatedly decided by this court that patents for lands which have been previously granted, reserved from sale, or appropriated, are void. The executive officers have no authority to issue a patent for the lands in controversy, because they were not subject to entry, having previously been reserved, and this want of power may be proved by a defendant in an action at law."

There is no statutory definition of the words "public lands," and the meaning of these words, of course, varies somewhat in different statutes passed for different purposes. To say that sections 16 and 36 are public lands would be to defeat the very operation of the law which reserved and saved and pledged the said sections 16 and 36 as a common heritage of the children of this Territory.

It now remains to be discovered whether the said sections 16 and 36 in Arizona were legally appropriated to any purpose by Congress prior to the creation of the forest reserves in which the Forestry Department is attempting to include such sections as an integral part.

Paragraph 1946 of the Revised Statutes of the United States (1878), which paragraph was enacted over 20 years before the creation of any forest reserve in Coconino County, reads as follows:

"Sections Nos. 16 and 36 in each township of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming shall be reserved for the purpose of being applied to schools in the several Territories herein named and in the States and Territories hereafter to be erected out of the same." Section 1946, Revised Statutes of the United States, 1878.

Upon a reading of the section 1946, supra, we see that sections 16 and 36, in Arizona, lost their character as public lands years before any forest reserves were created in Coconino County, and that the said sections 16 and 36 are therefore lands of a character not susceptible of being constituted into the integral part of any forest reserve.

It is a canon of statutory construction that Congress is always familiar with its own previous enactments, and it can not be said to be reasonably arguable that, although Congress had pledged itself to reserve all the sections 16 and 36 in Arizona for the purpose of applying them to the schools in Arizona, that it would subsequently (in 1891, by the act of Congress, supra), give to the President the power to make such sections 16 and 36 integral parts of a forest reserve and thus violate the pledge and revoke the reservation it formerly made to the Territories and forever deprive the schools in the Territories of the benefit of the revenue derived from such sections 16 and 36. Such an argument would be tantamount to a charge of bad faith on the part of the Congress.

I am not unaware that the Supreme Court of the United States, in the case of *Heydenfelt v. Dalny Mining Co.*, held that until the identical sections 16 and 36 were surveyed, Congress reserved the right to make any disposition of the lands that it saw fit, i. e., to constitute the lands (secs. 16 and 36) into a reserve of any kind. (See *Heydenfelt v. Dalny Mining Co.*, 93 U. S., 634.)

The Heydenfelt case arose out of a dispute as to the title of a part of a section No. 16 in the State of Nevada, which section 16 was referred to in section 7 of the Nevada enabling act, which reads as follows:

"That sections Nos. 16 and 36 in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be, shall be and are hereby granted to said State for the support of common schools."

No one will fail to observe, in the above section 7 of the said enabling act, that, whilst the words are words of present grant, there is a defeasance clause in the very section of the act granting the lands; that is to say, there are words in the said section 7 which indicate that upon the happening of certain contingencies the State's title to sections 16 and 36 may be defeated and the State required to select other lands in lieu of such sections 16 and 36 as may have been sold or otherwise disposed of by Congress.

In paragraph or section 1946 of the Revised Statutes of the United States (the law passing the title to sections 16 and 36 to Arizona), the closest scrutiny defines the discovery of any defeasance clause therein, that is to say, there does not appear in the law passing the title to sections 16 and 36 to Arizona, any contingency the happening of which will operate to defeat the right of the Territory to the usufruct and the rents, issues, and profits of the identical sections 16 and 36 that were reserved, and it is elementary that if a defeasance clause is to be made operative to defeat a title or a grant, the defeasance clause must appear in the act granting the lands or in the conveyance passing the title, and if the defeasance clause does not appear in the grant or in the conveyance passing the title or purporting to pass the title, it will be absolutely inoperative and will not defeat the title. This principle is so well established that to cite authorities to sustain it would be a work of supererogation. But, it may be argued, that by paragraph 1946, supra, no title passed from the United States to the Territory, and that the words "shall be reserved" as used in the said section 1946 do not import a grant either in present or in futuro. Admitting, for the sake of argument only, that the legal title to the said sections 16 and 36 may not have passed to Arizona by the use of the words "shall be reserved," candor compels the acknowledgment that Congress by the use of the words "shall be reserved" absolutely and unequivocally pledged the Territory of Arizona, that Arizona should have reserved to it the said sections 16 and 36, and after such pledge and reservation by Congress, the President could not appropriate sections 16 and 36 to any other purpose without violating the pledge and reservation made to the Territory under paragraph 1946, Revised Statutes of the United States, and when the pledge and reservation were made, Congress passed the equitable title to the sections 16 and 36 and holds the legal title in trust for the Territory, and Congress, by the use of the words "shall be reserved" (words which are the equivalent of "are hereby reserved"), eo instanti passed the equitable title to the said lands from the Government of the United States to Arizona.

It was held by the honorable Secretary of the Interior that, in relation to the disposition of the public lands: "It is the settled law, first, that when a party has complied with all the terms and conditions necessary to the securing of title to a particular tract of land he acquires a vested interest therein, is regarded as equitable owner thereof, and thereafter the Government holds the legal title in trust for him. Second, that the right to a patent once vested is * * * equivalent to a patent issued, and when in fact issued, patent relates back to the time when the right to it became fixed." (*Kern River Oil Co. v. Clark*, 30 L. D., 556.)

This rule has been repeatedly announced by the Supreme Court of the United States.

It will not be denied that Congress possesses plenary power to repeal the said section 1946 (the law reserving the said sections 16 and 36), but for the purposes of this paper, it is sufficient to say that Congress has not repealed the same, and until it be repealed, the Government of the United States will hold the legal title to sections 16 and 36 in trust for this Territory, and the legal title will doubtless pass to the State of Arizona when such a sovereignty is formed, but the executive branch of this Government possesses no such power of repeal, and if the President, in executing the laws, places such strained constructions on them as to deprive Arizona of the rents, issues, and profits of the said sections 16 and 36, then the President is treading on forbidden ground and is making laws, which is at utter variance with the imperishable distinction of the legislative, judicial, and executive functions which support the genius of our Government.

Respectfully, yours,

HENRY F. ASHURST, *District Attorney.*

The VICE PRESIDENT. The bill will be referred to the Committee on Public Lands.

EIGHT-HOUR LAW.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes, which was ordered to lie on the table and to be printed.

WITHDRAWAL OF PAPERS—CLEORA E. MASONHEIMNER.

On motion of Mr. SMOOT, it was

Ordered, That the papers in the case of Cleora E. Masonheimner, S. 159, Sixty-second Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On May 9, 1912:

S. 4314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5193. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 5415. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 5670. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On May 10, 1912:

S. 275. An act to make the special examiner of drugs, medicines, and chemicals an assistant appraiser at the port of Boston;

S. 3160. An act to establish Holeb, Me., a subport of entry in the customs collection district of Bangor, Me., and for other purposes; and

S. 4245. An act to increase the limit of cost of the additions to the public building at Salt Lake City, Utah.

PUBLIC BUILDING AT HURON, S. DAK.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives to be furnished with a duplicate engrossed copy of the bill (S. 6009) to increase the limit of cost of the United States post-office building in Huron, S. Dak., the original having been lost or mislaid; and by unanimous consent the request was ordered to be complied with.

RIVER AND HARBOR APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate insist upon its amendments, and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. NELSON, Mr. BOURNE, and Mr. SIMMONS, conferees on the part of the Senate.

PEND OREILLE RIVER DAM, WASH.

Mr. JONES. I ask unanimous consent for the present consideration of the bill (H. R. 22731) to extend the time for the construction of a dam across the Pend Oreille River, Wash. It is a local bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT POLICEMEN AND FIREMEN'S PENSION FUND.

Mr. GALLINGER. On yesterday at my request House bill 20840, relating to police and firemen's pensions was under consideration, and for the purpose of having it further examined it went over. I think that I shall offer two amendments to the bill that will cover every objection which has been made to it. I now ask unanimous consent that the Senate resume the consideration of the bill, the bill having been read.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

Mr. GALLINGER. On pages 5 and 6 I move to amend the amendment by striking out the proviso.

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire to the amendment will be stated.

The SECRETARY. In section 1, page 5, line 24, after the word "law," it is proposed to amend the amendment by striking out the following proviso:

Provided, That should the police and firemen's relief fund at any time be insufficient to defray the expenditures hereinafter mentioned, then, and in that event, the Commissioners of the District of Columbia

are authorized to, and they shall, direct the collector of taxes of said District to deposit, and said collector shall thereupon deposit, in the Treasury of the United States, to the credit of said fund, out of receipts from all licenses other than liquor licenses, a sufficient amount to meet any deficiency in said fund.

The amendment to the amendment was agreed to.

Mr. GALLINGER. In section 6, page 9, line 10, after the word "surgeons," I move to amend the amendment by adding the words "and the health officer of the District of Columbia."

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire to the amendment will be stated.

The SECRETARY. In section 6, page 9, line 10, after the word "surgeons," it is proposed to amend the amendment by inserting "and the health officer of the District of Columbia," so as to read:

Sec. 6. That a retiring board, to be composed of the surgeons of the police and fire departments and two officers of the police department and two officers of the fire department, not surgeons, and the health officer of the District of Columbia, such officers to be appointed by and to serve during the pleasure of the Commissioners of said District, shall be appointed to consider all cases for relief or for retirement or for pensions of officers and members of the police and fire departments, and all applications for pensions for widows, children, and dependent fathers or mothers.

The amendment to the amendment was agreed to.

Mr. McCUMBER. Mr. President, I want to ask the Senator in charge of the bill whether, under its provisions, the Treasury of the United States must respond to this pension system, either directly or indirectly?

Mr. GALLINGER. There is no provision in the bill that requires any payment whatever from the Treasury of the United States.

Mr. McCUMBER. I understand, for instance, that half of the running expenses of the government of the District is contributed by the United States, is it not?

Mr. GALLINGER. That is true; but the sources for meeting the pensions of these people under this bill will consist of fines imposed upon members of the police and fire departments, rewards and gifts received by members, receipts from the sales of unclaimed property in the police department, and the deduction of 1½ per cent from the monthly salaries of each member of the police force, and fines and forfeitures paid into the police court of the District of Columbia, except those allowed by law to the use of the Humane Society.

Mr. McCUMBER. Well, outside of the proportion that is to be deducted from those salaries, and so forth, would it not take a fund that otherwise would go to the general expenses of the District government and compel the United States Government to pay a greater proportion, or a greater amount at least, of the running expenses of the local government because of the fact that these fines and other matters must now be taken out of the general fund and paid specifically for this purpose?

Mr. GALLINGER. Mr. President, it is quite the contrary. Exactly the opposite result will be reached. The fines going into the District treasury would make a larger revenue from the District, and under the organic act the Government would have to put up an equal amount. Taking the fines to pay these pensions, the principle being recognized, there would be a less revenue for the District of Columbia. Hence the Government would have to put up a less amount to meet the amount of the District revenues. So the bill does not take anything from the Public Treasury, but on the contrary, if it does anything, it saves something to the Public Treasury.

Mr. McCUMBER. The Senator from New Hampshire understands that I believe that the District from its own property should not be prevented, if it sees fit, from paying its own firemen and its own policemen such pensions as would be appropriate. I believe that should be done here the same as in any other city. I want to say at this time that I do believe our police in this city are the poorest paid of any class of officers that I know of, and that they certainly ought to be paid a much larger salary, considering what salaries are paid to clerks and other officials of the Government. The thing that I do object to is any system under which the United States would enter into granting pensions on account of old age or otherwise, unless the proposition shall apply to every American citizen.

Mr. GALLINGER. As I have explained, that is exactly what this bill does. It does not impose any tax whatever upon the General Government.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as it has been amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes."

Mr. GALLINGER. I ask unanimous consent that the report of the Committee on the District of Columbia on the police and firemen's pension bill just passed be printed in the *RECORD* in connection with the action taken on the bill.

The VICE PRESIDENT. In the absence of objection, that order will be made.

The report referred to is as follows:

[Senate Report No. 729, Sixty-second Congress, second session.]

POLICE AND FIREMEN'S PENSIONS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER, from the Committee on the District of Columbia, submitted the following report, to accompany H. R. 20840:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, having considered the same, report thereon with a recommendation that it pass when amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That from and after the passage of this act the funds designated by law as the 'policemen's fund,' the 'police fund,' and the 'firemen's relief fund,' shall be designated as the 'police and firemen's relief fund, District of Columbia,' and the said fund shall consist of all fines imposed by the Commissioners of the District of Columbia upon members of the police and fire departments by way of discipline; all rewards, proceeds of gifts, and emoluments that may be received by any member of said departments for extraordinary services, except such as may be allowed to be retained by such member or members on the approval of the said commissioners; all net receipts and moneys arising from the sale of unclaimed property in the custody of the property clerk of the police department; a deduction of 1½ per cent of the monthly salary of each member of the police and fire departments; and fines and forfeitures paid into the police court of the District of Columbia, except those allowed by law to the use of the Humane Society, all of which shall be collected by the collector of taxes of the District of Columbia and be by him deposited in the Treasury of the United States, in the manner provided by law, to the credit of the trust fund denominated 'police and firemen's relief fund, District of Columbia,' and be held subject to the drafts of the Commissioners of the District of Columbia for the purposes hereinafter set forth; all expenditures to be made according to law and to be accounted for in the manner provided by law: *Provided*, That should the police and firemen's relief fund at any time be insufficient to defray the expenditures hereinafter mentioned, then, and in that event, the Commissioners of the District of Columbia are authorized to, and they shall, direct the collector of taxes of said District to deposit, and said collector shall thereupon deposit, in the Treasury of the United States, to the credit of said fund, out of receipts from all licenses other than liquor licenses, a sufficient amount to meet any deficiency in said fund.

"Sec. 2. That whenever any officer or member of the police or fire department of the District of Columbia shall become disabled by injury received or disease contracted in the line of duty he shall, in addition to his regular salary, receive his necessary expenses during the time of such disability, to be ascertained and certified by the retiring board hereinafter provided for, whose certificate shall state an account of said expenses and the manner, cause, and condition of the injury or disease, and such necessary expenses shall, when approved by the said commissioners, be paid out of the said police and firemen's relief fund, District of Columbia.

"Sec. 3. That should any officer or member of the police or fire department become so permanently disabled through injury or disease contracted in the line of duty, or, having served not less than 15 years, shall, for any cause, become so permanently disabled as to be discharged from the service therefor, he shall be entitled to relief from the said fund in an amount, in the case of an officer or member of the fire department, as follows: Chief engineer, a sum not to exceed \$150 per month; deputy chief engineer, a sum not to exceed \$125 per month; battalion chief, fire marshal, and superintendent of machinery, a sum not to exceed \$100 per month; deputy fire marshals and captains, a sum not to exceed \$90 per month; lieutenants, a sum not to exceed \$75 per month; assistant superintendent of machinery, a sum not to exceed \$60 per month; engineers and drivers, a sum not to exceed \$55 per month; assistant engineers and assistant drivers, a sum not to exceed \$52.50 per month; inspectors and privates, a sum not to exceed \$50 per month.

"And in the case of an officer or member of the police department as follows: Major and superintendent, a sum not to exceed \$150 per month; inspector and assistant superintendent, a sum not to exceed \$125 per month; inspector, a sum not to exceed \$100 per month; captain, a sum not to exceed \$90 per month; lieutenant, a sum not to exceed \$75 per month; sergeant, a sum not to exceed \$60 per month; private, a sum not to exceed \$50 per month, as may be justified, in any case of the police and fire departments, by the length of service and the nature of the injury or disease, as such disability may be determined by the retiring board hereinafter provided for; that in case of the death of any officer or member of the police or fire department before or after retirement from injury or disease contracted in the line of duty, leaving a widow, or children under 16 years of age, or a dependent father or mother, or both, such widow or such relative shall be entitled to a pension to be paid from the said relief fund, the amount thereof to be determined by the retiring board hereinafter provided for: *Provided*, That in no case shall the amount paid to any one family exceed the sum of \$50 per month, and that upon the remarriage of any widow her pension under this act shall immediately cease, and that any pension to or for her children under 16 years of age shall cease upon their attaining such age.

"Sec. 4. That any officer or member of the police or fire department of the District of Columbia who may have performed police or fire service therein for a period of 25 years shall be entitled to retirement from such department and to an allowance to be paid from the said police and firemen's relief fund in an amount equal to the maximum allowance as provided in section 3 of this act, for the respective officers and members of said departments.

"Sec. 5. That a sum not to exceed \$75 may be allowed by the Commissioners of the District of Columbia, to be paid from the said police

and firemen's relief fund, to defray the funeral expenses of any member of the police or fire department who may die while in the service of such department.

"Sec. 6. That a retiring board, to be composed of the surgeons of the police and fire departments and two officers of the police department and two officers of the fire department, not surgeons, such officers to be appointed by and to serve during the pleasure of the Commissioners of said District, shall be appointed to consider all cases for relief or for retirement or for pensions of officers and members of the police and fire departments, and all applications for pensions for widows, children, and dependent fathers and mothers; and the police and fire surgeons shall certify in writing to the said retiring board the physical condition of the officers or members of the force, if living, for whom a pension is sought for any reason provided for in this act, and whether or not said condition, or death, is due to injury or disease contracted in the line of duty, or that said officer or member has become so permanently disabled as to entitle him to discharge from the service therefor. The said retiring board shall give notice to any applicant for relief or pension or retirement to be present before it and give any evidence that he may desire, and the proceedings of the said board shall be reduced to writing and shall show the date of appointment of the officer or member under inquiry, his age, his record in the service, and any other information that may be pertinent to the matter of relief, pension, or retirement, and shall show what amount, if any, is awarded the applicant by way of relief or pension. The said board shall make a report of its finding to the commissioners, who shall have the power to take further testimony, if they so desire, and may approve, disapprove, or modify the findings of the said board, or remand any case for such further proceedings as may be necessary, and the decision of the said commissioners shall be final. The said commissioners are also hereby authorized and empowered to make, modify, and amend from time to time rules of procedure for the conduct of such board.

"Sec. 7. That within 60 days following the 1st day of July, 1912, and every two years thereafter, the commissioners shall cause every policeman and fireman receiving a pension allowance from the police and firemen's relief fund to undergo such examination as in the judgment of the commissioners may be necessary to enable them to determine whether the pension in such case or cases shall be increased or reduced; and the commissioners are hereby authorized and directed to increase or reduce the allowance of pensioners as the result of such examination: *Provided, however*, That should a pensioner fail or refuse to undergo the examination prescribed by the commissioners, the allowance of such pensioner may be reduced or entirely discontinued by the commissioners: *Provided, however*, That the commissioners may discontinue any pension or retirement allowance upon duly certified information from a court of record that any person so pensioned or retired has been guilty of any crime involving moral turpitude or where any such person is found by the retiring board, after notice and trial, to be an habitual drunkard or guilty of lewd or lascivious conduct: *Provided further*, That nothing in this section shall be construed to give the widow of any officer or member of the police or fire department any right to a pension upon her remarriage, or to give any child or children of any officer or member of said police or fire department the right to a pension after becoming 16 years of age.

"Sec. 8. That any such pensioned or retired officer or member of the police or fire department in time of flood, riot, great fires, during extraordinary assemblages or unusual emergencies may be called by the head of the respective department into the service of the District police or fire force for such duty as his disabilities will permit of his performing, as ascertained and certified by the retiring board, without compensation therefor.

"Sec. 9. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed."

Amend the title of the bill so as to read as follows:

"A bill for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes."

The bill as amended has the approval of the Commissioners of the District of Columbia, as will appear by the following letter, in which the reasons for the proposed legislation are clearly set forth:

APRIL 25, 1911.

Hon. J. H. GALLINGER,

Chairman Committee on District of Columbia,
United States Senate.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of a bill entitled "A bill for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes," and to recommend its early enactment.

The main objects of the proposed legislation are to harmonize the rates of pensions and retirements of the police and fire departments so that the allowances for the corresponding class of the members of each department shall be alike; and to provide sources of revenue for the fund for the relief of the members of the police and fire departments, so that receipts from licenses—except those received under the excise law—shall be available as far as necessary for the purpose.

The first proposed modification in the bill is that instead of the payment of \$1 per month by each member of the police and fire department to the relief fund as at present, 1½ per cent of the monthly salary of each member shall be applicable to that purpose. The equity of this proposed change is apparent. The beneficiaries to the fund should contribute to it in proportion to their salaries and to the rate of allowance they are to be entitled to receive.

The bill also proposes, in section 6, to make the action of the retiring board subject to the approval, disapproval, or modification by the Commissioners of the District of Columbia, which will enable the commissioners to regulate the amount of pension by the equities of each case, as they may appear.

It is also proposed, in section 7, to specifically invest the commissioners with power to discontinue any relief or pension where the beneficiary is found to be guilty of improper practices or conduct and to make more definite the present provision for a biennial examination to determine the advisability of increasing or reducing the allowance of pension. As a number of retired and pensioned officers and members of the police and fire departments will at all times be capable of rendering a limited service on occasions of emergency, the commissioners are authorized by section 8 to avail themselves of such assistance.

The maximum rate proposed in this bill is no greater than the rates established in other municipalities in the United States corresponding to and exceeding in population the District of Columbia, and it is materially less for the class of police and fire department officers re-

ceiving the higher salaries. If the maximum should be allowed in each case, the increase in the expenditures over the present outlay on that account would be very little; but the commissioners believe that in view of the discretion vested in them to regulate the pension allowance the annual increase would be immaterial.

At the present time, a critical condition confronts the commissioners in consequence of the inadequacy of the police and firemen's relief funds to meet the present demands upon them. At the close of the month of December, 1910, when the pay rolls for the police and firemen's pensions were submitted to the auditor for payment, it was found that the revenue collected during that month and the balance remaining on the 1st of the month after the payment of the November pensions was insufficient for the purpose of liquidating in full the several allowances for December. Consequently it became necessary to delay the payments of the December allowances until the 9th day of January, 1911, in order that sufficient collections from police-court fines might be made to meet the deficiency. This deficiency for both the police and firemen's pensions on account of the month of December amounted to about \$1,500. The extra demand on the income from the police court of the District for the \$1,500 deficiency to enable the December allowances to be paid resulted in a corresponding failure to be able to pay the January pensions until some time in February through the shortage in funds, the discrepancy on account of the January payments being \$2,857.73, or 60 per cent of the total amount due for that month. In February 60 per cent of the liabilities was paid, the deficiency being \$2,825.40; and for the month of March just passed, 75 per cent of the allowances was paid, leaving a deficiency of \$1,777.75 for that month.

This condition will continue during the remainder of the fiscal year, with a probability that before the close of the year it will be necessary to further reduce the payments on these allowances in both the police and fire departments payments below the amounts paid for the months above mentioned. The pension rolls of the police and fire departments amount to about \$11,000 a month, and a little over \$1,300 is collected each month through a deduction of \$1 per month from the salary of each officer and member of these two departments. The balance of about \$10,000 required to meet the monthly payments of pensions is made up entirely from police-court fines and forfeitures, except in the months of July and August, when about \$20,000 is derived from dog licenses. It is obvious, therefore, that the payment of police and firemen's pensions are dependent nearly absolutely upon the collections of fines and forfeitures in the police court.

During the month of December the money received on this account amounted to \$3,000 less than the average for preceding months, and it was because of this falling off in the police-court receipts that the December allowances were delayed in settlement until a sufficient amount could be received from the collections in January from the same sources. Averaging the total payments for pensions on account of both the police and fire departments, it requires about \$11,000 per month or about \$133,000 for a full year, and of this about \$13,000 is supplied by the deduction of \$1 per month from each officer and member of the police and fire departments and about \$20,000 received from dog taxes. The balance of about \$100,000 necessary to be collected in order to pay the present pensions in full is therefore dependent entirely on the fines and forfeitures from the police court of the District of Columbia.

The total collections made from the latter source during the fiscal year ended June 30, 1910, were \$89,490.92. During the fiscal year, in the month of February, it was necessary to reduce the payments of pensions of police and firemen to a pro rata basis, but this deficiency was made up after the 1st of the succeeding July, when sufficient revenue was obtained from the collections on account of dog taxes.

The bill under consideration would, if enacted, provide a new source of revenue for the payment of police and firemen's allowances which would, for many years to come, more than supply all the revenue needed for this purpose, and leave a surplus to be deposited in the Treasury to the credit of the general revenues of the District.

A great many of the beneficiaries of both departments who gave the best years of their lives to the service, are now incapacitated for other work; and those dependent upon members of these departments who have children to take care of and provide for are dependent for living expenses on the regular payment of the allowance the law provides. It seems an unjust hardship to deprive these people of any part of their small monthly stipend. The proposed measure provides ample means for the payment of all allowances in full every month.

Any increase of the relief fund which this bill may involve will not entail any additional charge upon the Treasury of the United States, as it is not proposed that the United States shall bear any part of the expenses. On the contrary, as the entire expenditure will be made from the revenues of the District, the enactment of the bill as proposed would result in a saving to the Federal Government through the reduction of the District revenues which would be available for appropriation for those expenses of the District which are payable in equal parts by the United States and by the District of Columbia.

Further, it might be stated that the operation of the proposed law would be in line with economy in this, that it would result in the retirement of the older and superannuated members of the police and fire departments at the higher rates of compensation and in the infusion of new blood in the force by the appointment of younger men at a much lower compensation.

The police force is divided into three classes, numbered one, two, and three. Those of class one received \$900 per annum, those of class two receive \$1,080 per annum, and those of class three receive \$1,200 per annum. The promotions work automatically. Those of class one, after a service of three years, are advanced under the law, and those of class two, after a service of five years in that class, are promoted to class three under the law.

A member of class three receiving \$1,200 per annum, if retired, would provide a vacancy for the appointment of a new man at \$900 per annum, which would result in the saving to the appropriation of \$300 per annum.

Very respectfully,

BOARD OF COMMISSIONERS DISTRICT OF COLUMBIA.
By CUNO H. RUDOLPH, President.

The following letter from the Commissioners of the District of Columbia calls attention to one of the many distressing cases which this legislation is designed to relieve:

OFFICE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, April 30, 1912.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

DEAR SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a copy of a communication dated the 25th

instant from Mrs. Florence Crippen relative to her distress because of the insufficiency of the police and firemen's relief fund.

November 5, 1889, Private Americus N. Crippen, after being on the force for a few months, was killed by a man named George Bush, who had murdered a man. He was so closely pursued by the officer that he could not escape. He therefore shot Crippen, who died almost immediately, not, however, until he had shot Bush and inflicted a fatal wound.

The case of Crippen is only one of a number of the tragic and heroic circumstances under which pensioners of this fund become entitled to its bounty.

The commissioners earnestly hope that timely relief may be provided by the early enactment of the pending legislation in Senate 2047, entitled "A bill for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes."

Very respectfully,

BOARD OF COMMISSIONERS DISTRICT OF COLUMBIA,
By CUNO H. RUDOLPH, President.

To the Commissioners of the District of Columbia:

MY DEAR SIRS: When the heart is breaking the lips must speak. I am desolate and in absolute want; no means for food and am sinking. Won't you please present my case to the District Committee and urgently ask for the payment of my back pension, amounting to a good sum now, and please, dear gentlemen, ask that immediate relief be given; I need it. Why is it that Congress seems to ignore the legal rights of these people and will not do justice by them? If they could know my condition, I am sure they would do something to relieve the stringency. Oh, please do something for my relief. I have no source to look to and am in the poorest health, as Dr. Hemler can testify.

Please, dear commissioners, help me. I would not thus trouble you but for dire necessity. Let me beg that you urge the matter before the committee at their next meeting, and oblige.

Yours, respectfully, in distress, grief, and want,

Mrs. FLORENCE CRIPPEN.

The following is a brief analysis of the House bill and the substitute proposed in this report:

POLICE AND FIREMEN'S RELIEF FUND—HOUSE BILL.

All present and future deficiencies in fund to be met by a tax upon all taxable property in the District. Upon certification by the commissioners to the Secretary of the Treasury of the existence of a deficiency he shall cause to be paid from the Treasury an amount sufficient to meet it.

Tax to be in addition to that now provided for by law, and shall be collected at the same time as other taxes. Before first tax is available commissioners shall, on the 1st of every month, draw a requisition on the Secretary of the Treasury for an amount sufficient to meet the deficiency for that month. Requisition to be paid from any District funds which, in the opinion of the commissioners, can be spared. Such funds to be reimbursed from first moneys received from tax herein provided for.

This act not to take effect until a majority of the persons, more than 21 years of age, owning property in the District, have voted in favor of the tax. Commissioners to make all arrangements for holding such election. Expenses to be paid out of the contingent fund of the District to be reimbursed out of the first moneys received from taxes.

POLICE AND FIREMEN'S RELIEF FUND—PROPOSED SUBSTITUTE.

Receipts to consist of: Fines imposed upon members of the police and fire departments; rewards and gifts received by members except such as are allowed to be retained; receipts from sale of unclaimed property in the police department; a deduction of 1½ per cent in monthly salary of each member; police-court fines, except those allowed by law to be paid to the humane society.

Deficiencies to be made up from receipts for licenses other than liquor licenses.

Members injured in line of duty to receive expenses in addition to regular salary.

Permanent disability incurred in line of duty, or from any cause after 15 years' service, brings a pension of not exceeding \$50 to \$150 per month, according to rank.

In case of death after retirement, dependent relatives to be paid not exceeding \$50 per month. Widow's pension to cease upon remarriage. Pension to her children to cease after attaining age of 16.

Member may be retired after 25 years' service and receive maximum pension allowed for injury in line of duty.

Funeral expenses of member dying while in service may be allowed to the extent of \$75.

Retiring board, consisting of police and fire surgeons and two officers each from the police and fire departments, shall pass on all cases for relief.

Commissioners shall require biennial examinations of all policemen and firemen now receiving pensions to ascertain whether they should be increased or reduced. Pensions may be discontinued if pensioner is shown to be guilty of crime.

Pensioners may be called on for duty without compensation in times of great emergency.

OLD POST-OFFICE PROPERTY, PROVIDENCE, R. I.

Mr. WETMORE. I ask unanimous consent for the present consideration of the bill (H. R. 13774) providing for the sale of the old post-office property at Providence, R. I., by public auction.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATOR FROM ILLINOIS.

Mr. LEA. I ask unanimous consent to make a statement in regard to the report of the committee which has been investigating the Lorimer case.

The VICE PRESIDENT. Without objection, the Senator from Tennessee will be permitted to make a statement.

Mr. LEA. Mr. President, on behalf of the Lorimer committee I desire to state that the majority and minority members of that committee have made an agreement to file the majority

report and the views of the minority on Monday, May 20, and they have further agreed that the minority and majority will endeavor to get a unanimous-consent agreement to have a day set for a vote on the question during this session of Congress.

Mr. BRISTOW. Mr. President, I did not understand the first part of the Senator's statement.

The VICE PRESIDENT. The Senator from Tennessee stated that the majority and minority members of the Lorimer committee have agreed to file the majority report and the views of the minority on May 20.

Mr. BRISTOW. That is a week from next Monday.

Mr. LEA. A week from next Monday.

Mr. JONES. Mr. President, I desire to say that, notwithstanding the suggestions and statements that have been made to the contrary, no member of the Lorimer committee has thought or had any idea of attempting to delay a report in this case or postponing the consideration of it over this session.

RETRIAL OF CADETS.

Mr. DU PONT. Mr. President, I ask unanimous consent for the present consideration of Senate joint resolution 99.

Mr. SMOOT. Mr. President, I do not know what the joint resolution is, and I shall not object to it at this time, but I shall ask for the regular order after it is concluded.

The VICE PRESIDENT. The Senator from Delaware asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnell D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. DU PONT. I ask that the report of the committee may be read.

Mr. HEYBURN. Mr. President, I will have to object to the present consideration of the joint resolution.

The VICE PRESIDENT. The Senator from Idaho objects.

Mr. DU PONT. I move that the joint resolution be considered notwithstanding the objection of the Senator from Idaho.

The VICE PRESIDENT. That motion can not now be made.

Mr. GUGGENHEIM. I ask unanimous consent for the present consideration of—

Mr. SMOOT. I ask for the regular order, Mr. President.

The VICE PRESIDENT. The regular order is demanded, which is the consideration of the calendar under Rule VIII. The Secretary will report the first bill on the calendar.

THE CALENDAR.

Mr. BORAH. I ask unanimous consent that the Senate consider bills on the calendar under Rule VIII, beginning with Calendar No. 596, unobjected bills alone to be considered, and that after the unobjected bills have been taken care of it shall be in order to move to take up any bill to which objection has been made.

Mr. SWANSON. I object, unless we commence at the beginning of the calendar and go through with the unobjected bills. I have no objection to the request if that is done.

The VICE PRESIDENT. Objection is made to the request as presented.

Mr. SMOOT. I ask for the regular order.

The VICE PRESIDENT. The Secretary will state the first bill on the calendar.

Mr. BORAH. I will modify the request, then, to commence at the beginning of the calendar for the consideration of unobjected bills.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that, in considering the calendar under Rule VIII until the calendar is completed, only such bills shall be considered as are unobjected to. Is there objection? The Chair hears none. The Secretary will state the first bill on the calendar.

BILLS PASSED OVER.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as first in order.

Mr. JONES. At the request of the senior Senator from Ohio [Mr. BURTON] I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. GALLINGER. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in

the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. HEYBURN. I object to the present consideration of that bill.

The VICE PRESIDENT. The bill will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, was announced as next in order.

Mr. LODGE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. HEYBURN. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, was announced as next in order.

Mr. GALLINGER. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2051) to promote the efficiency of the Life-Saving Service was announced as next in order.

Mr. BRISTOW. I ask that the bill be passed over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post was announced as next in order.

Mr. WARREN. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

EASEMENT OF FLATHEAD LAKE LANDS, MONTANA.

The bill (S. 5206) to amend that portion of the act of Congress approved March 3, 1911 (36 Stat. L., p. 1066), relating to the reservation of an easement in lands bordering Flathead Lake, Mont., was announced as next in order.

The VICE PRESIDENT. The bill has been read heretofore.

Mr. MYERS. On behalf of my colleague, I desire to ask—

The VICE PRESIDENT. Does the Senator object to the present consideration of the bill?

Mr. MYERS. No; I wish to ask that it be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend so much of the act of Congress approved March 3, 1911 (36 Stat. L., p. 1066), which provides for the reservation of an easement over tracts of land bordering Flathead Lake, Mont., so as to read as follows:

That an easement in, to, and over all lands bordering on or adjacent to Flathead Lake, Mont., which lie below an elevation of 9 feet above the high-water mark of said lake for the year 1909, is hereby reserved for uses and purposes connected with storage for irrigation or development of water power, and all patents hereafter issued for any such lands shall recite such reservation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States was announced as next in order.

Mr. GALLINGER. Let it go over, and let the next bill go over.

The next order of business, being Senate Resolution 242, directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate whether post-office inspectors are being sent through the country to influence postmasters to aid in the election of delegates for or against any candidate for the Presidency, and so forth, was passed over.

The bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north

Pacific Ocean, concluded at Washington July 7, 1911, was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 4204) to provide for the final settlement with the Tillamook Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851, was announced as next in order.

Mr. CHAMBERLAIN. I ask that this bill and the next six orders of business be passed over.

The VICE PRESIDENT. It will be so ordered.

The bill (S. 4205) to provide for the final settlement with the Clatsop Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 5, 1851; the bill (S. 4533) to provide for a final settlement with the Kathlamet Band of Chinook Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 9, 1851; the bill (S. 4534) to provide for a final settlement with the Wheelappa Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851; the bill (S. 4535) to provide for a final settlement with the Lower Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851; the bill (S. 4536) to provide for a final settlement with the Waukimum Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 8, 1851; and the bill (S. 4537) to provide for a final settlement with the Nuc-quee-clah-we-muck Tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 7, 1851, were passed over.

The bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the Island of Hawaii, Territory of Hawaii, was announced as the next bill in order on the Calendar.

Mr. BRISTOW. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 284) for the relief of Andrew H. Russell and William R. Livermore was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 4840) to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battleship *Indiana* was announced as next in order.

Mr. CRAWFORD. Let the bill go over. It is being considered in connection with the omnibus claims bill.

The VICE PRESIDENT. The bill will go over.

The bill (S. 4159) for the relief of F. M. Lyman, jr., was announced as next in order.

Mr. CRAWFORD. I think this bill and the next two should go over, because they are adversely reported and will involve discussion.

Mr. GALLINGER. Let them go over under Rule IX.

Mr. CRAWFORD. No; I do not ask that.

The bill (S. 4230) for the relief of Robert F. Scott and the bill (S. 364) for the relief of Ranney Y. Lyman were passed over.

The bill (S. 111) to authorize the sale and disposition of the surplus and unallotted lands in Washabaugh County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

MEMORIAL AMPHITHEATER AT ARLINGTON CEMETERY.

The bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The bill had been reported from the Committee on Public Buildings and Grounds with amendments.

The VICE PRESIDENT. The bill has heretofore been read. The Secretary will state the amendments.

The amendments of the committee were, on page 1, line 5, to strike out "toward" and insert "for"; in line 7, after the words "Secretary of War," to insert "the Secretary of the Navy"; and on page 2, line 7, after the word "dollars," to insert "and to include all necessary approaches," so as to read:

That there be, and hereby is, appropriated the sum of \$750,000, to be immediately available, and to remain so until expended, for the construction, under the direction of a commission consisting of the Secretary of War, the Secretary of the Navy, the Superintendent of the United States Capitol Building and Grounds, and Ivory G. Kimball, representing the Grand Army of the Republic, of a memorial amphitheater at the national cemetery at Arlington, Va., and in accordance with the plans of Carrere & Hastings, architects, of New York City, adopted by the commission appointed by section 10 of the act of May 30, 1908, and by said commission reported to Congress February 15, 1909, to cost not more than \$750,000, and to include all necessary approaches.

The amendments were agreed to.

Mr. LODGE. When the bill was up the other day there was an amendment which, I think, it was generally agreed should be adopted, and I think it was adopted.

The VICE PRESIDENT. The Secretary will report the suggestion that the Senator from New York [Mr. Root] made. It was not in the form of an amendment.

The SECRETARY. On page 1, line 10, after the word "amphitheater," insert "including a chapel."

Mr. LODGE. I suggested that.

The VICE PRESIDENT. Does the Senator from Massachusetts now offer it as an amendment?

Mr. LODGE. Yes.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. GALLINGER. I should like to have the Secretary read who will now constitute the commission. I think that part of the bill has been amended. Has it been amended?

Mr. WARREN. By adding "the Secretary of the Navy."

Mr. GALLINGER. Has it been amended by simply adding "the Secretary of the Navy"?

The VICE PRESIDENT. Yes.

Mr. GALLINGER. I think that is very proper. I had intended to move such an amendment.

The VICE PRESIDENT. The board will consist of the Secretary of War, the Secretary of the Navy, the Superintendent of the United States Capitol, and Ivory G. Kimball.

Mr. GALLINGER. Mr. Kimball represents the Grand Army of the Republic. That is satisfactory.

Mr. HITCHCOCK. I was not giving attention at the time the bill was read the other day, and I shall object to it now if it is not too late.

The VICE PRESIDENT. It is not too late. Objection being made, the bill goes over.

REPORTS RELATING TO COTTON.

The bill (H. R. 14052) authorizing the Secretary of Agriculture to issue certain reports relating to cotton, was considered as in Committee of the Whole.

The VICE PRESIDENT. The bill has been read in full.

Mr. SMOOT. I do not care to have the bill go over, providing it is amended in such a way that it is possible for the department to carry out the instructions.

Mr. SMITH of South Carolina. The Senator is under a misapprehension. I have just come from the department, and they agree heartily to the amendment now in the bill.

The VICE PRESIDENT. There are certain amendments, and they will be considered, and an objection hereafter will be in order.

Mr. SMITH of South Carolina. The bill as now amended is the one the department recommends.

It changes the date of taking the acreage report from June 1 to July 1, largely, first, to obviate the expense that would be incurred by making a preliminary report and then sending out agents and getting the corrected reports, which occurs every year, whereas if you wait until July 1 you will get but one report and the actual acreage covered. That is all there is in the bill.

Mr. SMOOT. Perhaps I do not understand it. The bill, in section 3—which is hereafter to be known as section 2—says:

That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to issue each year, immediately following the publication of the ginning report of the Census Bureau of December 1, an estimate of the total production of cotton in the United States for the current crop year.

Mr. SMITH of South Carolina. That is a different bill. The Senator has the wrong bill.

Mr. SMOOT. That is the bill on the calendar now—No. 500—and section 2, according to the bill, is to be stricken out and section 3 is to be known as section 2; and the section is just exactly as I read it.

Mr. SMITH of South Carolina. Yes; that is correct. That is the present law. We did not change that at all. This is not the amended form. I shall have to ask the Secretary to read the copy he has. There must be some misunderstanding as to the form in which the bill comes.

Mr. SMOOT. I ask that the bill go over, so that the Senator can examine it.

The VICE PRESIDENT. The bill will go over.

Mr. SMITH of South Carolina. It is not necessary to go over. It is the present law.

Mr. SMOOT. If it is the present law there is no necessity for reenacting it.

Mr. SMITH of South Carolina. Section 1 of the proposed legislation, which changes it from June to July 1, is the only change. Just let me read it. [After a pause.] There is no objection to it from the department.

Mr. SMOOT. There is no report from the department here, and I was looking for it.

Mr. SMITH of South Carolina. That [indicating] was the part they objected to. This [indicating] is the new legislation.

Mr. BRISOW. I ask, Can not the business of the Senate proceed while the Senators settle it among themselves?

The VICE PRESIDENT. The Senator from Kansas asks that the bill go over. It will go over.

BILLS PASSED OVER.

The bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets, was announced as next in order.

Mr. HEYBURN. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 5186) to incorporate the Brotherhood of North American Indians was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States, was announced as next in order.

Mr. NELSON. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

PROCEDURE IN UNITED STATES COURTS.

The bill (S. 5917) relating to procedure in United States courts was considered as in Committee of the Whole.

The VICE PRESIDENT. The bill has been read in full and the committee amendments agreed to.

Mr. HEYBURN. I should like to have it read for information.

The VICE PRESIDENT. The Secretary will again read the bill.

The Secretary proceeded to read the bill.

Mr. OVERMAN. I think the Senator from Maryland [Mr. RAYNER] requested me to have the bill go over until he could be present.

The VICE PRESIDENT. The bill will go over.

T. M. MOLLOY AND J. H. CROZIER.

The bill (S. 5956) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, was announced as next in order and was read.

Mr. SMOOT. I should like to ask the Senator reporting the bill to explain the details of it; what effect it has, not only on these officers, but on men in the service generally.

Mr. PERKINS. The report of the Secretary of the Treasury gives the information. I ask that the Secretary read the report.

Mr. SMOOT. I have read a part of the report, and I call the attention of the Senator to the last part of it.

The VICE PRESIDENT. Does the Senator ask that the bill go over?

Mr. SMOOT. I do not. Secretary MacVeagh in his report says:

While it is the intention and practice of the department to suspend the promotion for one year of any officer failing to pass in his professional examination, it appears that Lieuts. Molloy and Crozier have suffered excessively in the loss of so many numbers through their failure to pass the professional examination for promotion.

The bill therefore has my approval, and I recommend its passage.

Is the bill intended to give them credits that they have not earned?

Mr. PERKINS. The preceding paragraph explains that.

Mr. SMOOT. I should like to have it go over. I will read the whole report and see.

The VICE PRESIDENT. The bill will go over.

BILLS PASSED OVER.

The bill (S. 2605) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and

Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

ANNIE G. HAWKINS—HARRIET P. PORTER.

The bill (S. 117) granting an increase of pension to Annie G. Hawkins was considered as in Committee of the Whole.

Mr. McCUMBER. I shall oppose the passage of this bill and the ensuing one, but I do not object to their being taken up at this time if the Senator from Delaware [Mr. DU PONT], who reported them, is present. He is anxious to have them considered, but I wish to state my objection.

Mr. CURTIS. I suggest that they go over, as the Senator from Delaware is not present.

The VICE PRESIDENT. The bill will go over, as will the next bill.

The bill (S. 118) granting an increase of pension to Harriet Pierson Porter was passed over.

BILLS PASSED OVER.

The bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes, was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 5860) to provide for agricultural entries on coal lands in Alaska was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 5719) to increase the efficiency of the Medical Department of the United States Army was read.

Mr. WORKS. I ask that the bill may go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1) to establish a Department of Health, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 5169) authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes, was announced as next in order.

The VICE PRESIDENT. The bill has been read.

Mr. BRISTOW. I ask that it may go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 20182) to amend "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

RETRIAL OF CADETS.

The joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them was considered as in Committee of the Whole.

The VICE PRESIDENT. The joint resolution has been read.

Mr. GALLINGER. As I understand since the joint resolution was under consideration before, the Senator from Delaware [Mr. DU PONT], in behalf of the Committee on Military Affairs, has filed a report. I think it proper that that report should now be read.

The VICE PRESIDENT. The Secretary will read the report. The Secretary read the report submitted by Mr. DU PONT on the 9th instant, as follows:

The Committee on Military Affairs, which has had under consideration Senate joint resolution 99, submits a favorable report thereon and recommends that it do pass amended as follows:

In line 3 of the title, strike out the word "Simpkins" and insert in lieu thereof the word "Simkins."

On page 1, in line 8, strike out the word "Simpkins" and insert in lieu thereof the word "Simkins."

On page 1, in lines 10 and 11, strike out the words "for violations of regulation No. 132 of the said academy" and insert in lieu thereof the words "for having violated, on August 4, 1911, paragraph No. 132 of the former regulations of the said academy."

On page 2, in line 4, strike out the word "regulation" and insert in lieu thereof the word "paragraph."

On page 2, in line 6, strike out the word "regulation" and insert in lieu thereof the word "paragraph."

On page 2, in line 6, strike out the word "forty-five" and insert in lieu thereof the word "forty-two."

On page 2, in line 7, after the word "regulations," insert the words "approved June 15, 1911."

This resolution authorizes the President:

First. To reassemble the court-martial, or as many members thereof as practicable, not less than the minimum prescribed by law, which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnell D. Simkins, and James D. Christian, of the United States Military Academy at West Point, for having violated on August 4, 1911, paragraph No. 132 of the former regulations of the said academy and sentenced to be dismissed from the service; and,

Second. To resubmit the case of any one or more of said cadets upon his or their applications to said court for reconsideration of the sentence; and

Third. Authorizes the court upon such reconsideration to construe said regulation as not necessarily requiring a sentence of dismissal, but as permitting a lesser punishment, as provided in paragraph 142 of the current regulations, and to modify the sentence accordingly; and

Fourth. Authorizes the President to carry such modified sentence or sentences into effect, notwithstanding the prior dismissal of said cadets, by reinstating them in accordance with such terms and conditions of the modified sentence as approved by the President.

Paragraph 132 of the Regulations of the Military Academy, approved December 1, 1902, provided:

"No cadet shall drink any spirituous or intoxicating liquor or bring or cause the same to be brought within the cadet limits or have the same in his room, tent, or otherwise in his possession upon pain of being dismissed the service."

This regulation has been always construed to make it mandatory for a general court-martial, if the charge was proved, to impose a sentence of dismissal.

On the 15th of June, 1911, the prior regulations of the Military Academy, approved December 1, 1902, were superseded by new regulations, now current, paragraph 142 of which provides as follows:

"Cadets who shall drink or be found under the influence of intoxicating liquor or bring or cause the same to be brought within the cadet limits or have the same in their rooms, tents, or otherwise in their possession shall be dismissed the service or otherwise less severely punished."

It will be observed that this new regulation can not be construed to make a sentence of dismissal mandatory in case the charge be proved, but gives latitude to award a less severe sentence, in the discretion of the court. These new regulations, though approved on the 15th of June, 1911, were only forwarded from the Public Printer at Washington to the Superintendent of the Military Academy at West Point on the 29th of August, and consequently they could not have been put into effect until brought to the knowledge of those concerned. The strong presumption was, therefore, that the court-martial for the trial of Cadets Freeland, Sasse, Simkins, and Christian could not have been aware of their discretionary powers in the matter of the sentence so imposed. This strong presumption has now become a certainty, inasmuch as the Secretary of War, by direction of the President, has corresponded with the members of the court-martial and satisfied himself that they had not been informed of any change in the regulations by Gen. Barry, who was the officer who convened the court, and were, therefore, ignorant of the fact that they had discretionary powers in the matter of awarding a lesser punishment.

While it is true that on the 4th day of August, 1911, the cadets in question violated a regulation of the academy in having partaken of, or having in their possession, very small quantities of intoxicating liquor, it is also true that they were not in the slightest degree under the influence of intoxicating drink, or guilty of any impropriety whatever so far as their personal demeanor was concerned; nor were there any charges of such character made against them.

In this connection it may be stated that the evidence of the violations of the regulations by the above-named cadets was based upon their own admissions, made under duress and against their protest; and it may also be added (though this is not very material) that the Corps of Cadets was not at the Military Academy at the time, but encamped in the open country.

Attention is called to the accompanying letter of the Secretary of War to the chairman of the Senate Military Committee:

WAR DEPARTMENT,
Washington, May 9, 1912.

HON. HENRY A. DU PONT,
United States Senate.

MY DEAR SENATOR: By direction of the President I made an investigation of the cases of Cadets Ralph E. Sasse, Ellicott H. Freeland, and Tattnell D. Simkins, third classmen, and James D. Christian, fourth classman, United States Military Academy, dismissed by sentences of a general court-martial, which sentences were carried into execution October 6, 1911.

I came to the conclusion that the court, in sentencing these cadets, was probably influenced by the mistaken construction that under article 132 of the Regulations of the Military Academy, under which these cadets were tried, a penalty of dismissal was mandatory instead of discretionary with the court. I therefore gave my assent to a draft of joint resolution authorizing the President to reassemble the court-martial, or as many members thereof as practicable, not less than the minimum prescribed by law, and resubmit these cases for a reconsideration of the sentences imposed, authorizing the court to construe said regulation as not necessarily requiring sentences of dismissal.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

Mr. WARREN. Mr. President, the joint resolution is of such a nature that if there is a disposition to pass it at all it ought to be passed at an early day. The object of it is, of course, to obtain a new trial of these men, which if it results as the first one did will leave them as they now are; but if there should be a lesser punishment found sufficient, it would be possible for them to enter West Point again after losing one year. If it is not soon decided, they, of course, would have to lose two years and would perhaps pass the age limit. Of that I am not certain.

I am myself very much averse, on general principles, to taking up matters of individual cadets and overturning the disci-

pline of the institutions at West Point and Annapolis. In a sort of hysteria some years ago—I speak respectfully, of course—Congress enacted legislation which provided that any cadet found guilty of hazing in any degree should be dismissed. It left no discretion whatever. There were one or two cases which soon arose. I assume, perhaps, that the boys who were caught at it had never read the law. In one case, it was said, a boy had simply snubbed another one's nose in a playful manner with his hands. He was asked if he had hazed the other boy, and he said he had; and upon that he was dismissed from the academy. Those matters were brought to the attention of Congress—perhaps a few cases of the kind—and the cadets were, from time to time, reinstated.

That situation, of course, became intolerable. So the matter was thoroughly discussed by the Committees on Military Affairs and new legislation was provided which gave liberty to a court-martial to administer any punishment which it might see fit, up to and including dismissal from the institution, for hazing.

I know nothing of the particular merits of the case regarding these young men, but, as I look at it, this is a closure of the entire matter. We have now the legislation, we have now the orders and regulations duly signed and promulgated, and it seems to me that when these cases are disposed of it closes the chance of further complications of this kind.

Therefore I hope the joint resolution may be passed.

Mr. JONES. Mr. President, as one of the members on the Committee on Military Affairs who did not sign this report, I simply desire to say that I will not object to the consideration of the joint resolution, but I shall not vote for it. I do not believe that Congress ought to review any of the decisions with reference to disciplinary matters at Annapolis or West Point. Notwithstanding the fact that the report is filed here, I have not a doubt but that this legislation, if passed, will be appealed to as a precedent hereafter, and Congress will be asked to pass legislation for the relief of other persons who think they may have been aggrieved for violating some of the orders at Annapolis or West Point.

I believe that we ought to enforce discipline there, and I think it would do much to destroy discipline for Congress to come in and relieve in cases of this character.

Mr. CUMMINS. Mr. President, I believe the joint resolution ought to pass. I do not think Congress ought to attempt to review the judgment of the properly constituted authorities of these institutions; but these boys did not receive a fair trial. They have not had a fair chance, and they ought to have it. The reason why they did not receive a fair trial was that the members of the court who tried them did not know that under the law as it was at that time they had the discretion to impose a sentence or a punishment less severe than dismissal. We ought not, I think, to permit a judgment to stand rendered under that misapprehension.

If the men who tried the cadets had known that it was within their power to administer the penalty of dismissal or a lesser penalty, I would not stand for a review of their discretion. But we ought to give a chance to the board to determine that matter.

There is no dispute about the facts of the case. The facts were admitted by the young men themselves. The only question which was or could be left to the members of the court-martial was, What shall be the penalty? If the members proceeded to answer that question in ignorance of the change that had been made in the regulations of the academy, it seems to me that, in all fairness, we ought to give them—not the young men but the court itself—the opportunity to decide the case with a full knowledge of the law.

Mr. FLETCHER. Mr. President, it is unnecessary to enter into any lengthy discussion of this matter, and I will not take up the time of the Senate with reviewing it at all. I wish to express the hope that the Senate will agree to the joint resolution, simply stating further, in corroboration of what the Senator from Iowa [Mr. CUMMINS] has said, that there was a mistake of law made in the case. The cadets were tried under the regulations of 1902. They were tried in August, 1911. In June, 1911, the regulations had been modified and the modification had been agreed upon, but the modification was not known to the members of the court-martial.

The cadets were sentenced under the regulations of 1902, and the court-martial believed at the time, as the letter from the Secretary of War shows, that they were compelled to sentence them to dismissal from the service. Subsequently this new regulation was brought to their attention, which gives discretion in the court-martial to either dismiss or punish to some lesser extent. That is the whole situation.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Does the Senator from Florida yield to the Senator from Idaho?

Mr. FLETCHER. Certainly.

Mr. BORAH. May I ask the Senator the date of the trial at which the young men were tried? What was the date of the hearing?

Mr. FLETCHER. August 4.

Mr. WARREN. The trial was, I think, August 16, and the offense was committed August 4.

Mr. FLETCHER. That is correct. The trial was on the 16th of August. The offense was committed on the 4th of August. This change in the regulations had been agreed upon on the 15th of June, 1911, but the regulations as modified had not been printed and sent down to West Point, although the superintendent there knew of them, because he had first to submit them to the Secretary of War.

Mr. BORAH. It seems clear from the statement which has been made that these boys ought to have an opportunity to have another hearing, but it would also seem as though there ought to be an appropriation made to start a kindergarten school for those who were trying them.

Mr. FLETCHER. I do not mean to criticize the court-martial, because the new regulations had not been printed and sent down to West Point until after the trial, I understand.

Mr. BORAH. The Senator says the superintendent was familiar with them.

Mr. FLETCHER. The superintendent knew of them. They had been submitted to the Secretary of War on his recommendation.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. FLETCHER. I do.

Mr. GALLINGER. I am not going to oppose the joint resolution in its present form, in view of what has been divulged, and yet it strikes me as almost incredible that Gen. Barry should not have informed that court-martial sitting at West Point that the regulations had been changed. Those regulations had been changed almost two months before this court-martial was convened. If a court-martial was conducted in that way, I think it is about time, perhaps, not that we should have a kindergarten but that there should be some suggestion from some source made to officers high in command that a court-martial should at least have all the evidence before it that was needed to enable it to give a just verdict; and the officers constituting such courts ought to know, as has been suggested to me *sotto voce* in the neighborhood of where I stand, their own powers and their own privileges.

While the Secretary of War does suggest, in rather a modified way, that these cadets were improperly sentenced, yet if I vote for this joint resolution, as I probably shall, I shall always feel that it ought not to be looked upon as a precedent, and that it is involved, even now, in some doubt as to whether or not these young men were improperly convicted. They did disobey the regulations; they knew what the regulations were; they were ignorant, of course, of this change; they deliberately violated the regulations of the academy, and they ought to have been punished; but I am quite willing, for one, that the court-martial shall be reconvened and give them another trial.

Mr. WARREN. Will the Senator permit me to make a suggestion?

Mr. GALLINGER. Yes.

Mr. WARREN. Mr. President, I think I ought to say, in view of what the Senator from New Hampshire has said—and I agree with much that he has said—that there is no positive evidence, of course, that Gen. Barry and this court-martial did not know that the new regulation was in force. If that is true, the second trial of these cadets will doubtless terminate as did the first one. In going into this matter and passing this joint resolution, we simply put the matter back before the court. It will be easy for members of that court to say that they had all of the matter before them in the first trial, and that they do not wish to change their finding; and that would settle it.

I am one of those who believe that four young men just starting out in life, who have been disgraced in this manner and turned back upon the world, will not be harmed further, and if the lesson was a good one in the first place it will certainly be a better one if it be emphasized. On the other hand, if there has been a wrong done, it may make the difference between entirely successful lives and failures for four young men.

So, I am inclined to take the merciful side, but I do it with the expectation that there is a probability of the first trial being

duplicated by a second one, the result of which may possibly be the same finding. I do not want to put myself in the position of saying that we are going to override the discipline of West Point. That is a matter that I have always been disinclined to do. I have invariably in committee voted against taking up these subjects. I think my fellow members of the committee understand that. But with this doubt and with this letter of the Secretary of War, while it is to some extent vague, and without questioning what the court or Gen. Barry may have done with or without knowledge, as this must necessarily be a closure of the entire matter, I should like to see the joint resolution passed as proposed.

Mr. GALLINGER. Mr. President, I will say, so far as Gen. Barry is concerned, that he probably takes the position that the regulations were not promulgated until the 29th of August at the time they were sent down from the Public Printer. They were agreed to on the 15th of June, and then printed. So he probably holds that they did not go into effect until they were received in printed form at West Point and there promulgated; which was after the trial.

Mr. ROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. GALLINGER. Certainly.

Mr. ROOT. Can any member of the committee inform us when the new regulation was promulgated? The report seems to be—

Mr. GALLINGER. It was sent down on the 29th of August.

Mr. ROOT. That is quite a different thing. Regulations are not promulgated by having the package of papers put into the express office by the printer. There is a formal proceeding under which a general order is published promulgating a regulation, and thereupon it becomes a law. I can see nothing here to indicate when that event occurred. When did the new regulation become law? I see no answer to that. It may well be that Gen. Barry knew these new regulations were in fieri, and that they had not been promulgated so as to become a law at the time of the trial.

I observe, Mr. President, that these young men were charged and tried for a violation of regulation No. 132, which is the regulation containing the penalty of dismissal. That is, the old regulation is the regulation for the violation of which they were charged and tried. They were not being tried under any other regulation. It is true that that regulation under which they were charged and tried was at some time or other superseded by another and a different regulation, which is regulation No. 142, a different statute.

The situation is as if a man were indicted, tried, convicted, and sentenced under a particular statute, and that evidence were produced that at some time or other that statute was repealed by another law which has now gone into effect, but we are not informed when that repeal took place.

Mr. McCUMBER. May I ask a question right there of the Senator? Does not the letter of the Secretary of War show that the construction put upon the last regulation by the department was a modification of the first, and that that modification took effect before the offense was committed?

Mr. FLETCHER. Before the trial was had or the offense committed.

Mr. McCUMBER. And also before the offense was committed.

Mr. FLETCHER. I was going to call the Senator's attention to that.

Mr. McCUMBER. There was certainly a recommendation that they go back and have a new trial.

Mr. FLETCHER. The Secretary of War does not explain that, as the Senator suggests.

Mr. ROOT. What the Secretary of War says is:

I came to the conclusion that the court, in sentencing these cadets, was probably influenced by the mistaken construction that under article 132 of the Regulations of the Military Academy—

That is the old one, which is said to have been repealed by the later one. It is a mistaken construction of the old law under which they were charged and tried.

Mr. McCUMBER. The mistake was that the old law was in existence, while the Secretary holds that it was not in existence.

Mr. ROOT. He does not appear to hold that it was not in existence. He says that the court—

was probably influenced by the mistaken construction that under article 132 of the Regulations of the Military Academy, under which these cadets were tried, a penalty of dismissal was mandatory instead of discretionary with the court.

That is to say, he puts himself upon the ground not that the court was ignorant of the repealing statute, not that it was

ignorant of the new statute, but that it is chargeable with a misconstruction of the old statute.

Mr. BRISTOW. Probably.

Mr. ROOT. Probably influenced by a misconstruction of the old statute, so that the effect of this joint resolution would be to order a new trial because of a probable error in construction by the court.

Mr. BRISTOW. That is all there is to it.

Mr. ROOT. Yes; that is all there is to it.

Mr. BRISTOW. I think the joint resolution had better go over. It will lead to a great deal of discussion.

Mr. FLETCHER. Mr. President, I believe I have the floor, and I have been yielding, as I supposed, for questions. I did not expect to get into any argument or discussion on the subject.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. FLETCHER. I want to call attention to the fact that the Secretary of War believed that under the old regulation there was discretion in the court-martial, but the court-martial itself has been inquired of evidently, and the court-martial has informed the Secretary of War that it felt that under the old regulation it was mandatory to dismiss these cadets, and that the court had no discretion. The Secretary of War believes they had. This joint resolution simply provides, not that there be a retrial of these cadets, but that they go back before the same court-martial, and that that court-martial be authorized to impose the same or such other sentence as it may see fit. The cadets are not asking for a new trial—

Mr. BRISTOW. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kansas?

Mr. FLETCHER. I simply want to get through with this sentence. They are not asking for a new trial, but they are simply asking to go before the same court-martial, and that the same court-martial pass sentence upon them.

Mr. BRISTOW. This joint resolution will evidently lead to considerable discussion, and I ask that it go over.

Mr. FLETCHER. I hope the Senator will not do that. If you are going to do anything at all about this matter, if you are going to correct the injustice that has been done, and do the right thing by these young men, do it now; and if you are not going to do it now, do not do it at all. That is the way I feel about it.

Mr. ROOT. I feel bound to say that, in the absence of any information upon the vitally important fact as to when the new regulation was promulgated and became law, I should ask that the joint resolution go over.

Mr. BRISTOW. I ask that the joint resolution go over.

The PRESIDING OFFICER. The Senator from Kansas objects, and the joint resolution goes over.

Mr. CUMMINS. Before the order is made putting the joint resolution over, I want to suggest to the Senator from New York that the report shows that the new order was made on the 15th day of June, 1911, and that it was communicated to the Military Academy at West Point on the 24th day of August, 1911. The record, I think, is quite sufficient with respect to those points.

REWARDS TO EMPLOYEES OF ORDNANCE DEPARTMENT.

The bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant was announced as next in order.

Mr. HEYBURN. I ask that the bill go over.

The PRESIDING OFFICER. The bill goes over on the objection of the Senator from Idaho.

HAROLD L. JACKSON.

The bill (S. 6244) to restore Capt. Harold L. Jackson, retired, to the active list of the Army, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs, with an amendment on page 1, line 9, after the word "Infantry," to insert:

Provided further, That prior to his restoration to the active list this officer shall have passed an examination for promotion to the grade of major of Infantry, as prescribed by regulations of the War Department under the terms of the act of Congress approved October 1, 1890.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to restore Capt. Harold L. Jackson, retired, to the active list of the Army of the United States with the same rank and relative position he would hold if he had not been retired: *Provided*, That such restoration shall be in temporary excess of the number authorized only until such time as a vacancy shall occur in the grade of major of Infantry: *Provided further*, That prior to his restoration to the active

list this officer shall have passed an examination for promotion to the grade of major of Infantry, as prescribed by regulations of the War Department under the terms of the act of Congress approved October 1, 1890.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VASHON ISLAND MILITARY RESERVATION, WASH.

The bill (S. 5608) providing for the abandonment of the Vashon Island Military Reservation, in the State of Washington, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs, with an amendment in section 3, page 3, line 8, after the words "eighteen hundred and eighty-four," to insert:

Provided, That the total proceeds of the sale and the amount thereof turned in to the Treasury shall be reported to the Secretary of War by the Secretary of the Interior.

So as to make the section read:

SEC. 3. That if any one of the lands described in section 1 hereof be not duly purchased by the lessee, as provided in section 2 of this act, within 90 days after the same becomes subject to purchase under the provisions of this act, then, in that event, the Secretary of the Interior is hereby authorized to dispose of such remaining lands under the provisions of the act of Congress of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations"; and the said lessees in occupancy of their lawfully leased tracts at the time of the passage of this bill, and who do not purchase such tracts, shall have the privilege of removing from their tracts any and all improvements made thereon; and the Secretary of the Interior is authorized to reappraise any unsold tracts from time to time before offering the same for sale under said act of July 5, 1884: *Provided*, That the total proceeds of the sale and the amount thereof turned into the Treasury shall be reported to the Secretary of War by the Secretary of the Interior.

The amendment was agreed to.

Mr. JONES. In section 3, on page 2, line 17, I think the word "one" should be stricken out and the word "part" inserted. I move that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 3, on page 2, line 17, after the word "any," it is proposed to strike out "one" and insert "part," so as to read:

That if any part of the lands described in section 1 hereof be not duly purchased by the lessee, as provided in section 2 of this act, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSION BILLS ON THE CALENDAR.

Mr. McCUMBER. Mr. President, I ask that calendar Nos. 622, 623, and 624, being House bill 18712, House bill 20586, and Senate bill 6646, may be passed over for the day. My reason for making the request is that I assume the new general-pension law will be in effect in a very short time, and I do not wish to cover any case by special pension where the same pension will be granted under the new law. So until I can reexamine these cases I ask that the bills go over.

The PRESIDING OFFICER. The bills will be passed over.

Mr. GALLINGER. Mr. President, in that connection I should like to ask the Senator from North Dakota, the chairman of the Committee on Pensions, if there is a probability that the enactment of the general law to which the Senator has referred will lessen the number of private pension bills. They have been very numerous in the past; I doubt not they have been meritorious bills; but I should like the Senator's opinion as to that matter, because I have already received one letter making inquiry on that point.

Mr. McCUMBER. Mr. President, I answered that question once or twice during the debate upon the general pension bill. My opinion is that it will not lessen the number of private pension bills introduced. There seems to be a habit on the part of some Senators of introducing any number of such bills.

Mr. WARREN. Ought it not to reduce the number of such bills?

Mr. McCUMBER. Just a moment, until I finish my sentence. At the same time, Mr. President, I believe it will have the effect of there being a smaller number passed, because those who under the new bill receive the same amount that they would have granted to them by special acts, as pensions have heretofore been graded, at least, would not be considered in a new special pension bill if it were introduced, unless there should be some change in the sentiment of the two committees.

ERSKINE R. K. HAYES.

The bill (S. 3459) for the relief of Erskine R. K. Hayes was announced as next in order, and was read.

Mr. GALLINGER. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLIC BUILDING AT TWIN FALLS, IDAHO.

The bill (S. 247) to provide for the erection of a public building at Twin Falls, Idaho, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with amendments, on page 2, line 1, before the word "thousand," to strike out "two hundred" and insert "ninety," and in line 3, before the word "thousand," to strike out "two hundred" and insert "ninety," so as to read:

The cost of said building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed \$90,000. For the purposes aforesaid the sum of \$90,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT IDAHO FALLS, IDAHO.

The bill (S. 250) to provide for the erection of a public building at Idaho Falls, Idaho, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with amendments, on page 1, line 11, to strike out "150" and insert "85"; and on page 2, line 2, to strike out "150" and insert "85," so as to read:

The cost of said building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed \$85,000. For the purposes aforesaid the sum of \$85,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITION TO POST-OFFICE BUILDING, DETROIT, MICH.

The bill (S. 5851) to increase the appropriation for the addition to the post-office building at Detroit, Mich., was considered as in Committee of the Whole. It proposes that the limit of cost of the addition to the post-office building at Detroit, Mich., be increased \$70,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNUAL REPORTS OF STEAMBOAT-INSPECTION SERVICE.

The bill (H. R. 22343) to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6497) to protect migratory game and insectivorous birds in the United States was announced as next in order.

The PRESIDING OFFICER. Let the bill go over.

Mr. GALLINGER. Was the bill objected to?

The PRESIDING OFFICER. It was.

The bill (S. 3463) to establish a bureau of national parks, and for other purposes, was announced as next in order.

Mr. CLARKE of Arkansas. Let the bill go over.

Mr. HEYBURN. I was unable to hear what disposition was made of orders of business 606 and 607.

The PRESIDING OFFICER. Both bills went over.

Mr. HEYBURN. I heard no request. Did some Senator request that they go over?

The PRESIDING OFFICER. The Senator from Wyoming [Mr. CLARKE] requested that order of business No. 606 should be passed over.

Mr. HEYBURN. I was not able to hear it.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. CLARKE] objected to order of business No. 607.

UVALDE, TEX.

The bill (H. R. 22301) authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORSICANA, TEX.

The bill (H. R. 12013) to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT BUCKHANNON, W. VA.

The bill (S. 6342) to provide for the erection of a public building at Buckhannon, W. Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 9, before the word "thousand," to strike out "one hundred" and insert "sixty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on the property already acquired for that purpose a suitable building, including fire-proof vaults and heating and ventilating apparatus, for the use and accommodation of the United States post office in the city of Buckhannon, W. Va., the cost of the same not to exceed \$60,000.

The amendment was agreed to.

Mr. SMOOT. I notice there is no report on the calendar. Has there been one made?

Mr. WATSON. I have a report from the Secretary of the Treasury, which I thought had been submitted with the bill.

Mr. SMOOT. I do not believe it has been published. Will the Senator state the facts?

Mr. WATSON. The postal receipts for the last fiscal year were \$12,318.35. The site has already been acquired.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAWSON RENO.

The bill (S. 4166) for the relief of Lawson Reno, collector second district of Kentucky, was considered as in Committee of the Whole. It proposes that the Secretary of the Treasury be directed to credit Lawson Reno, collector of internal revenue for the second district of Kentucky, and his accounts with the sum of \$96, being the value of stamps totally destroyed by fire in the office of Stamp Deputy George R. Mayo.

Mr. MARTINE of New Jersey. Mr. President, this is a matter of a minor claim, amounting to something less than a hundred dollars. The case is that of an internal-revenue collector. The building burned, destroying the stamps he had paid for. The matter was before the Committee on Claims, and the revenue department reports that the facts are as stated. I trust the measure may be passed. I believe it is a matter of simple justice to a poor man.

Mr. SMOOT. A telegram in the report from the Reno collector states:

Fire at Bowling Green this morning destroyed bank. Stamps of deputy collector are in vault. Don't know condition.

I ask whether they were destroyed or not. They were in the vault.

Mr. MARTINE of New Jersey. We have the verification from the internal-revenue department, as well as from the chief of police of Reno, that the iron box which was in the office was destroyed, and they have every reason to believe that the stamps were destroyed. It is recommended as a matter of justice that he be paid this amount. He paid for the stamps, and they were tantamount to so much cash to him.

Mr. SMOOT. I only ask if the information came after the telegram I have read.

Mr. MARTINE of New Jersey. That is all right. I am quite satisfied it is just.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CERTAIN ENLARGED HOMESTEADS.

The bill (S. 6551) to amend section 3 of an act entitled "An act to provide for an enlarged homestead" was announced as next in order.

Mr. HEYBURN. I ask that the bill go over.

The VICE PRESIDENT. It will go over.

A. W. CLELAND, JR.

The bill (S. 5507) for the relief of A. W. Cleland, jr., was considered as in Committee of the Whole.

Mr. HEYBURN. I ask that the report be read.

The VICE PRESIDENT. Without objection, the Secretary will read the report, at the request of the Senator from Idaho.

The Secretary read the report submitted by Mr. BRISTOW on the 1st instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 5507) for the relief of A. W. Cleland, jr., having carefully considered the same, report thereon with the recommendation that the bill do pass.

This bill directs the payment to A. W. Cleland, jr., of Denver, Colo., of \$62.83, for potatoes furnished the United States Indian school at Albuquerque, N. Mex., in the month of May, 1889. From the evidence submitted, and from the records of the Indian Office, it appears that Mr. Cleland furnished the above Indian school 2,513 pounds of potatoes on May 23, 1889, but failed to receive payment for the same because of delay in presenting his claim in proper form. On April 2, 1892, his claim for \$62.83 was allowed by the Assistant Commissioner of Indian Affairs, the claim having reached the Indian Office on March 15, 1892. To be payable from the proper appropriation, however, it should have been on file prior to July 1, 1891. At that date the unexpended part of the appropriation passed to the surplus fund, and therefore funds were not, and are not, available from which Mr. Cleland's claim could be paid.

Mr. Cleland's appeal to Congress appears first to have been made in the Fifty-ninth Congress, he having failed to seek congressional relief sooner, presumably because he was not in urgent need of the money.

The correctness of this claim for payment for supplies furnished to the Government is unquestioned, and your committee recommends the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DRENZY A. JONES AND JOHN G. HOPPER.

The bill (S. 3452) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary, and for damages for illegal arrest while making said survey, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, on page 1, line 5, after the word "of," to strike out "\$4,840.89" and insert "\$2,649.37"; in line 10, after the word "changed," to strike out the remainder of the bill in the following words: "And the additional sum of \$2,000 for damages for the illegal arrest and detention of Jones by the military authorities while lawfully engaged upon said survey," so as to make the bill read:

Be it enacted, etc., That there be paid to Drenzy A. Jones and John G. Hopper, joint contractors, out of any money in the Treasury not otherwise appropriated, the sum of \$2,649.37, for the surveys and resurveys of the Yosemite Park boundary, under contract 184, California, the boundaries of the park having been changed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. JONES the title was amended so as to read: "A bill for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary."

THE METAL SCHEDULE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, at the time of the adjournment yesterday evening it was understood that the Committee on Agriculture and Forestry would be ready to go on with the agricultural appropriation bill to-day. However, there seems to have been some misunderstanding on that point, and I find that no Senator is ready to go on with the discussion of the unfinished business to-day. For that reason I ask unanimous consent that it be temporarily laid aside.

The VICE PRESIDENT. Without objection, on the request of the Senator from North Carolina, the unfinished business will be temporarily laid aside.

ORDER OF BUSINESS.

Mr. SWANSON. I move to take up for consideration Senate joint resolution No. 99.

Mr. SMOOT. We have a unanimous-consent agreement to take up the calendar under Rule VIII and go through with it, considering unobjected bills. As soon as we get through with bills unobjected to, then the motion of the Senator from Virginia would be in order.

The VICE PRESIDENT. The Chair thinks it proper, the unfinished business having been laid aside, to proceed with the calendar under the unanimous-consent agreement.

Mr. SWANSON. Did the unanimous-consent agreement extend further than 2 o'clock?

The VICE PRESIDENT. The unanimous-consent agreement extended to the end of the calendar unless interrupted by the unfinished business. The unfinished business has been laid aside. The Chair understands, therefore, that the unanimous-consent agreement is to continue to the end of the calendar for unobjected bills, and then to go back to the beginning and start in to act on those that have been objected to, provided the Senate desires to do so, in spite of the objection.

Mr. SWANSON. I was under the impression that we were to proceed with the calendar of unobjected bills until 2 o'clock. At 2 o'clock the unfinished business came up, and after that was laid aside it seemed to me to be in order to move the consideration of a bill on the calendar, as I understood that the unanimous-consent agreement extended only until 2 o'clock.

The VICE PRESIDENT. The Chair did not so understand it, but the reporter's minutes will show.

Mr. SMOOT. The unanimous-consent agreement did not include a request that the calendar be continued until 2 o'clock.

The VICE PRESIDENT. That is as the Chair remembered it, but the Chair was not positive.

Mr. SWANSON. I would understand that unless it included that the consideration of the calendar should extend further than 2 o'clock the unanimous-consent agreement was simply to proceed under Rule VIII until 2 o'clock.

The VICE PRESIDENT. The unfinished business then came in. There is no question but that that would interrupt the calendar, but the unfinished business has been temporarily laid aside.

Mr. SWANSON. I did not hear any unanimous consent for the consideration of the calendar to continue any further than it would be continued under the rule, which was until 2 o'clock under Rule VIII.

Mr. HEYBURN. May I suggest to the Senator that it is more than probable an objection would have been interposed against laying aside the unfinished business had it not been understood that we should proceed with the calendar.

Mr. SWANSON. I withdraw the motion at this time.

The VICE PRESIDENT. The Secretary will continue with the calendar and announce the next bill.

LANDS IN NEZ PERCE COUNTY, IDAHO.

The bill (S. 4791) authorizing the patenting of certain lands to rural high school district No. 1, of Nez Perce County, Idaho, was announced as next in order on the calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with an amendment, on page 2, after line 10, to insert the following additional proviso:

Provided further, That in the event the proposed school building is not completed within two years after the title has passed to the rural high school district No. 1 the land shall revert to the United States: *Provided further,*

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause patent to issue to rural high school district No. 1, of Nez Perce County, Idaho, for the use and benefit of said district, for the following-described tract of land within said county, to wit: Commencing at the southeast corner of lot No. 27, on the north boundary of Fort Lapwai Military Reservation, in section 2, township 35 north, range 4 west, Boise meridian; thence south along the west line of the Presbyterian mission reserve 300 feet; thence south 85 degrees west 726 feet; thence north 300 feet to the north boundary of the Fort Lapwai Military Reservation; thence north 85 degrees east along said military reservation boundary 726 feet, to the place of beginning, containing 5 acres, more or less: *Provided,* That Indian pupils residing within said district shall at all times be admitted to such schools as may be established on the lands granted herein on terms of equality with the white pupils: *Provided further,* That in the event the proposed school building is not completed within two years after the title has passed to the rural high school district No. 1 the land shall revert to the United States: *Provided further,* That in the event said lands are ever abandoned and not used for educational purposes all right, title, and interest therein conveyed to the said district by this act shall be forfeited and the same shall revert to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESTRAINT OF TAX COLLECTION.

The bill (S. 2371) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. The bill will go over.

ENLARGED HOMESTEAD ENTRY IN ARIZONA.

The bill (S. 6245) to provide for an enlarged homestead entry in Arizona where sufficient water suitable for domestic purposes is not obtainable upon the lands was considered as in Committee of the Whole. It provides that whenever the Secretary of the Interior shall find that any tracts of land in the State of Arizona subject to entry under the act to provide for an enlarged homestead, approved February 19, 1909, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate 1,000,000 acres, and thereafter they shall be subject to entry under this act without the necessity of residence; but in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS AT OKANOGAN, WASH.

The bill (S. 338) authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments. The first amendment was, in section 1, page 1, line 7, after the word "lot," to strike out the following words:

seven in section 16 which lies east of the easterly side line of the right of way of the Great Northern Railway as the same is now located and existing, said portion of said lot comprising approximately 18½ acres, also all that portion of the north one-half of the northwest quarter of the northeast quarter of section 16 which lies east of the easterly side line of said right of way of said Great Northern Railway, excepting that part of said tract which lies east of a line drawn diagonally in a south-westerly direction from the northeast corner of said northwest quarter of said northeast quarter to a point exactly in the center of said northwest quarter of said northeast quarter, the area thereof being approximately 14½ acres, making an entire area of 33 acres, and all situated in township 33 north, range 26 east of the Willamette meridian, in the county of Okanogan, State of Washington—

And to insert—

eight of section 17, township 23 north, range 26 east of the Willamette meridian, containing 47.35 acres.

So as to make the section read:

That there is hereby granted and conveyed, for public park purposes, to the town of Okanogan, county of Okanogan, State of Washington, a municipal corporation, the following-described lands, or so much thereof as said town may desire, to wit: All that portion of lot 8 of section 17, township 23 north, range 26 east of the Willamette meridian, containing 47.35 acres.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 16, after the words "United States," to insert the following proviso:

And provided further, That the lands conveyed to the town of Okanogan, as authorized herein, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

So as to make the section read:

SEC. 2. That the said conveyance shall be made of the said lands to the said town by the Secretary of the Interior upon the payment by the said town for the said lands, or such portion thereof as it may select, of such sum as may be fixed by the appraisement hereafter to be made under the act entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes," approved March 22, 1906, and patent issued to the said town for the said lands selected, to have and to hold for public park purposes, subject to the existing laws and regulations concerning public parks, and that the grant hereby made shall not include any lands which at the date of the issuance of patent shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the lands for extracting the same: *And provided further*, That the said town shall not have the right to sell or convey the lands herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described, and that if the said lands shall not be used as public parks the same, or such parts thereof not so used, shall revert to the United States: *And provided further*, That the lands conveyed to the town of Okanogan, as authorized herein, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ST. FRANCIS RIVER (MO.) LEVEE.

Mr. REED. Out of order, I should like to submit a report from the Committee on Commerce.

The VICE PRESIDENT. Without objection, out of order the Senator from Missouri submits a report.

Mr. REED. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 21590) to authorize levee and drainage district No. 25 of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri, and submit a report (No. 740) thereon. I ask unanimous consent for the present consideration of the bill. It is a local measure.

Mr. HEYBURN. We are proceeding under one unanimous consent, I will say to the Senator. We can not have two unanimous-consent orders existing at the same time.

Mr. REED. I was not aware of that. It is a mere local bill.

The VICE PRESIDENT. The Senator can wait until the calendar is finished.

Mr. SMOOT. I think we shall soon be through with the calendar.

Mr. REED. Very well.

The VICE PRESIDENT. The Senator from Missouri withdraws his request for the present.

PENSION BILLS PASSED OVER.

The VICE PRESIDENT. House bill 18712, House bill 20586, and Senate bill 6646, the next three bills on the calendar, will be passed over on request of the Senator from North Dakota [Mr. McCUMBER].

ENLARGED HOMESTEAD ENTRY IN NEVADA.

The bill (S. 5952) to provide for an enlarged homestead entry in Nevada where sufficient water suitable for domestic purposes is not obtainable upon the lands was considered as in Committee of the Whole. It provides that whenever the Secretary of the Interior shall find that any tracts of land in the State of Nevada subject to entry under the act "To provide for an enlarged homestead," approved February 19, 1909, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate 2,000,000 acres, and thereafter they shall be subject to entry under this act without the necessity of residence. But in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

The bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, was announced as next in order.

Mr. WARREN. Let that go over.

The VICE PRESIDENT. The bill will go over.

ENLARGED HOMESTEAD.

The bill (S. 6383) to amend an act approved February 19, 1909, entitled "An act to provide for an enlarged homestead," was announced as next in order.

Mr. HEYBURN. I understand that bill is confined to those lands in Wyoming, or it is not of general application.

Mr. WARREN. It is not confined to Wyoming, but it is confined to those arid lands which are under the law provided for an enlarged homestead. Of course it can apply only to them.

Mr. BORAH. Mr. President—

Mr. HEYBURN. It was not intended to apply to the State of Idaho. When the Senator was presenting the matter I made that suggestion, and I understood the Senator to say that it was to obviate embarrassment or difficulty in those lands in the northwestern portion of Wyoming. It is true they lie next to Idaho, but I would not like to have it extend to Idaho.

Mr. BORAH. I was going to say to my colleague that I desire to offer an amendment to extend it to the State of Idaho.

Mr. HEYBURN. My objection to the measure now is that it is in general terms. It was allowed to come out of committee on condition that it did not extend to Idaho.

Mr. BORAH. The bill at present does not extend to the State of Idaho for the reason that it amends an act which act does not extend to the State of Idaho.

Mr. HEYBURN. That is what I have in mind.
 Mr. BORAH. Thereafter, on the 17th of June, 1910, we passed the same act applying to the State of Idaho.
 Mr. HEYBURN. Then it did not contain this provision.
 Mr. BORAH. It contains this precise provision.
 Mr. HEYBURN. Reducing the amount of cultivation?
 Mr. BORAH. It contains the precise provision covering the same amount of cultivation that the law did.
 Mr. HEYBURN. But not as it would be if this was enacted.
 Mr. BORAH. No; but my purpose was—
 Mr. HEYBURN. I will ask that the bill go over under the circumstances.

Mr. WARREN. I hope the Senator will not cut me off until I explain.

Mr. HEYBURN. I will not cut off the Senator at all.
 Mr. WARREN. In presenting the bill as I did before the committee I did not attempt to mislead the committee. I was content, so far as I was concerned, that it might apply only to Wyoming; but in preparing and introducing the bill it seemed rather selfish to confine it that way, and so I introduced it in general terms for the committee to act on it in the manner it might deem best.

Mr. HEYBURN. I am sure the Senator will acquit me of any suggestion that he did so act.

Mr. WARREN. This is the condition in my State—not so particularly in the northwestern part as in exactly the opposite corners, the northeast and the southeast. We have hundreds of families, I might perhaps say thousands, who during the last five years have settled there. They have come from the Eastern States, attracted by the dry-farming proposition of deep plowing and allowing the land to lie fallow every other year. In fact, they have been there until now the time is approaching for proving up on their homesteads. We have had two years of excessive drought and it is utterly impossible for many of those people to go on and prove up unless they have relief. I assume that the condition must be the same in Montana and some other States. I do not know how it is in Idaho. It does seem to me that we ought as early as possible to allow those people to present their proof and get their patents and become settled in the country rather than to have them lose their all.

This matter comes up to me not alone from settlers, but the appeal also comes from the land offices in the different districts in which this matter had been brought before them through the entries, as well as from the homesteaders, and the manner in which the first settlers had undertaken to prove up shows how practically impossible it will be for these deserving settlers to cultivate for the first few years the one-fourth as demanded under the present law.

Mr. HEYBURN. I am perfectly willing to accede to the wisdom of the Senator from Wyoming, so far as the conditions in that State are concerned, but I do not desire them extended to the State of Idaho.

It is my intention, Mr. President, to take up this question of pressing any further what is called the enlarged homestead at an early date or a convenient opportunity. I am chafing under the constant aggression that is exhibited in the way of enlarging the enlarged homestead.

Mr. SMOOT. Mr. President—
 The VICE PRESIDENT. The Senator from Idaho asks that the bill go over?

Mr. HEYBURN. Yes.
 The VICE PRESIDENT. The bill will go over.

BRIDGE ACROSS THE DELAWARE RIVER.

The bill (S. 5458) to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, in section 1, page 2, line 7, after the word "act," to insert the following proviso:

Provided, That the said bridge shall be built and completed in accordance with such plans as the Secretary of War and Chief of Engineers may hereafter approve, and until such approval has been given no further work of construction shall be done by the said companies.

So as to make the bill read:

That section 6 of the act approved March 16, 1906, authorizing the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors to construct, maintain, and operate a bridge across the Delaware River between a point south of and within 1 mile of the southern boundary line of the city of Trenton, in the State of New Jersey, and a point south of and within 1 mile of the southern boundary line of the borough of Morrisville, in the county of Bucks and State of Pennsylvania, be, and the same is hereby, so amended that the time within which the said bridge shall be required to be completed

shall be within five years from the date of the approval of this act: *Provided*, That the said bridge shall be built and completed in accordance with such plans as the Secretary of War and Chief of Engineers may hereafter approve, and until such approval has been given no further work of construction shall be done by the said companies.

Sec. 2. That said act, as thus amended be, and the same is hereby, revived and reenacted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS RED RIVER OF THE NORTH.

The bill (S. 6614) to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn., was read.

Mr. HEYBURN. I do not see the Senator in charge of the bill present, but I should like to know under what law or condition it is necessary to have the consent of Congress to build a pontoon bridge. Pontoon bridges have been builded since the first settlement of this country without any special authority. A pontoon bridge is made up of boats and is tied to the bank with ropes. There has never been any requirement that you should have consent to make them. They can be swung around in a few minutes as fast as the tide will carry them and swung back again as soon as men can push them back.

This is entering upon a new field of legislation. I should like, before we do it, to have some information from the distinguished Senator who seems to have reported the bill. I ask that it go over.

The VICE PRESIDENT. The Senator from Idaho asks that the bill go over, pending the return of the Senator from Minnesota [Mr. NELSON].

Mr. HEYBURN. Yes.

The VICE PRESIDENT. The bill will go over.

WIRELESS TELEGRAPHY IN THE PHILIPPINE ISLANDS.

The bill (S. 5455) to establish a system of wireless telegraphy in the Philippine Islands was announced as next in order.

Mr. BRISTOW. I want to make some inquiries about the bill. I see the Senator who reported it is not here, so I will have to ask that it go over.

The VICE PRESIDENT. The bill will go over.

HEIRS OF JOHN W. WEST.

The bill (S. 1231) for the relief of the heirs of John W. West, deceased, was announced as next in order.

Mr. WARREN. Let that go over.

The VICE PRESIDENT. The bill will go over.

RETIRED OFFICERS OF NAVY AND MARINE CORPS.

The bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps was announced as next in order.

Mr. CLARKE of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will go over.

PHARMACISTS IN THE NAVY.

The bill (S. 2795) to promote pharmacists to the grade of chief pharmacist in the Navy was announced as next in order.

Mr. CLARKE of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will go over.

NAVY RETIREMENTS.

The bill (S. 473) relating to Navy retirements was announced as next in order.

Mr. CLARKE of Arkansas. I ask that the same order be made.

The VICE PRESIDENT. The bill will go over.

HYDROGRAPHIC STATION AT LOS ANGELES, CAL.

The bill (S. 2949) to establish a hydrographic station at Los Angeles, Cal., was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to establish a branch hydrographic office at Los Angeles, in the State of California, the same to be conducted under the provisions of an act entitled "An act to establish a hydrographic office in the Navy Department," approved June 21, 1866.

Section 2 authorizes the Secretary of the Navy to secure sufficient accommodations in the city of Los Angeles for the hydrographic office, and to provide the same with the necessary furniture, apparatus, supplies, and services allowed existing branch hydrographic offices, at a cost not exceeding \$9,000, which sum is hereby appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMASTERS IN THE NAVY.

The bill (S. 5214) to increase the number of paymasters and passed assistant and assistant paymasters in the United States Navy was announced as next in order.

Mr. SHIVELY. Let that go over.

The VICE PRESIDENT. The bill will go over.

BRIDGE ACROSS SNAKE RIVER, IN JACKSON HOLE, WYO.

The bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Irrigation and Reclamation of Arid Lands with amendments.

The first amendment was, on page 2, line 3, before the word "thousand," to strike out "ten" and insert "twenty-five," making it read:

That the sum of \$25,000 is hereby appropriated.

And so forth.

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the words "out of," to strike out "the reclamation fund" and insert:

Any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of War, through the engineer officer in charge of road and bridge construction and maintenance in the Yellowstone National Park.

Mr. OVERMAN. I object to that amendment, which proposes to pay it out of a general fund. I think, as we have a reclamation fund and this is a reclamation project, it should be paid out of that fund.

Mr. WARREN. I will explain that to the Senator. The reclamation fund, as far as it applies to that locality, has all been apportioned, and in order to pay it out of that fund it would be to put a higher price per acre upon the land in Idaho, where this water is used, and in Wyoming. It would be a hardship upon the settler to appropriate it in any other manner.

This is for the general public. It is in the timber reserve. The Jackson Hole country is surrounded by vast timber reserves. The people are cut off from the world, except as they go out at the Idaho side and north of the Yellowstone Park. On this stream the rise of the water, of course, renders them isolated, sometimes 90 days or more at a time, even from getting food from the outer world.

Mr. OVERMAN. We have the irrigation projects, and we have guaranteed \$30,000,000 of bonds for aiding in this work. It should be paid out of the reclamation fund.

Mr. WARREN. Not a dollar of that loan has been taken, and we are paying for a great many things for the general good out of reclamation funds. We are not niggardly about having them come out of that fund; therefore I hope the Senator will not object to this small amount being taken from the general fund for the general good of the country. It is too late to take it out of the reclamation fund, I will say to the Senator.

Mr. SHIVELY. What is the necessity for a bridge in that isolated place?

Mr. WARREN. Many people live there, and furthermore, along this bridge would be one of the great thoroughfares of the Nation into the Yellowstone Park country. It is a part of a new county, which, as I said, is within large timber reserves.

This Jackson Hole settlement, while within forest and game reserves, has fine meadows and fine farms, and all that. They are totally unable to overcome this difficulty of high water forced upon them through the Government's use of the Snake River as a canal for Jackson Lake reservoirs. They have had temporary bridges, also ferries, but these have been washed away by high water. Most of the year, before the building of Government reservoirs, they could ford the stream, but now they can not. They are cut off.

This bill compels the local authorities to build the approaches, probably a mile or so on each side, which will have to be built. The bridge, when built, will not only be conducive to the convenience and use of the people in the Reclamation Service, but it will form a great public highway. A new railroad is approaching on the west side, and brings, with a short drive, the tourists of the country who come to look at the Yellowstone Park and other resorts, especially the great game preserves. So far as advertising is concerned, if I may so term it, the United States gets one of its greatest advertisements by the people going through that vast scenic country to get to the several parks and reserves.

Mr. HEYBURN. I should like to ask the Senator, is it not true that the Government came in and in process of carrying out its own plans destroyed the bridge?

Mr. WARREN. The Government not only destroyed the bridges but the ferries also. It swept them all away. They have

been replaced two or three times, and again they have been swept away.

Mr. HEYBURN. It was on a county road; it was an asset of the State, and it destroyed the use of that road; that is to say, it made the road useless. The Government raised the water over the approaches. So I do not think the people in the surrounding country or the organized government of the State should be compelled even to pay for those approaches, because they had a satisfactory road, a satisfactory bridge, and satisfactory approaches.

Mr. OVERMAN. Is this in the Yellowstone Park?

Mr. WARREN. The Senator from North Carolina asks if this is in the Yellowstone Park. It is not; it is south of there, but between the Yellowstone Park and this place it is all a timber reserve. Not only that, but by legislation it has been made a great game preserve—the greatest in this country, in fact.

Mr. GALLINGER. Mr. President, I notice in the letter from the Secretary of the Interior he says that Uinta County itself ought to pay one-half of the expense of this bridge. I will ask the Senator from Wyoming why the opinion of the Secretary of the Interior on that point has been waived and another expense placed upon the Government?

Mr. WARREN. There are three answers to that: The first is that it is not in Uinta County itself, but in a new county—the county of Lincoln; the second is that nearly all of that country the Government has in reserve for timber, game, and public parks, and therefore there is little property upon which to levy the taxes; and the third is that the expense, as it seemed to me, had better be divided by providing that the bridge itself, which will naturally be a steel bridge, shall be put in by the engineers of the Government, and that the local authorities, as the bill provides, shall first agree to build the approaches and roads and then assume the expense of subsequent maintenance.

Mr. GALLINGER. Of course, that ought to be done. It is not on a Government reservation, is it?

Mr. WARREN. It is not; but it is surrounded on all sides by Government reserves. This locality is a long narrow strip of fertile country; it is settled up, hence not itself a part of a timber reserve, but it is surrounded by miles upon miles of Government reservations.

Mr. GALLINGER. And this is intended to provide a better access to the national park from one direction, from the south, is it?

Mr. WARREN. Not only to the national park, but in going from the forest reservation upon one side over to the forest reservation upon the other side. In case of a great forest fire, for instance, they would be prevented from crossing unless this bridge is constructed. It is more for the use of the United States than it is for the people of that section of the country.

Mr. GALLINGER. Mr. President, I observe nowadays a tendency to load onto the Government expenditures for pretty nearly everything. I do really think that it is rather an extraordinary provision that the Government of the United States should build a bridge on private property without the inhabitants making at least a contribution to the expenditure. The Senator from Wyoming says it is a sparsely settled country, but a moment ago the Senator said there were a thousand people there.

Mr. WARREN. Well, I call that sparsely settled when there may be 50 or 75 miles between settlements.

But let me say to the Senator that it is not proposed to build the bridge on strictly private property. In one sense it is Government property, for the river is full of Government water, put into that river and taken out of it by the Government in transporting the water from a Government dam for its own purposes, rendering the river impassable to the people of that community, where they formerly had no trouble in that respect; and it is the duty of the Government to provide the bridge.

Mr. GALLINGER. What was the dam built for, I will ask the Senator?

Mr. WARREN. The dam was built to raise Jackson Lake so as to take in all the surplus water, the water from the winter snows in the Teton Range, and conduct those waters to the Government lands far below; and the Government is selling to settlers water and land below, largely in Idaho.

Mr. GALLINGER. Well, Mr. President, I will not object to the consideration of this bill; yet I do think we shall be driven sooner or later to draw a line between the obligations of the Government and the obligations of the citizens of the Government in reference to appropriations from the Treasury. I have said all I care to say about the matter.

Mr. WARREN. Mr. President, I want to say, in reply to the Senator's suggestion, that I feel sure that if the Senator from

New Hampshire could realize the conditions in that portion of the country he would raise no objection to the passage of the bill. During the last winter for more than 90 days the people there were not able, because of the high water, to get a particle of food or clothing or anything else into the country except on snowshoes over the mountains. The ferryboats and the bridge they had provided for in the summer were washed away. It is one of those cases that can not be duplicated in this country, and if it be a precedent it is very unlikely that it will ever be followed.

Mr. SHIVELY. Mr. President, there must have been some change in the situation, it seems to me, since the Senator introduced the bill. As introduced the bill proposed to appropriate \$10,000 for the construction of this bridge, and I observe that the appropriation was to be made out of the reclamation fund. Now the amount is changed to \$25,000, and it is to be paid out of the general fund in the Treasury. What transpired in the meantime to cause the Senator to change his mind in that respect?

Mr. WARREN. I will say to the Senator that I was in that portion of the country last summer, as I have been there before. Of course it was a time of drought, and, wishing to be as economical as possible, I was of the opinion that perhaps \$10,000 would do the work; but later, and especially upon sending to the Secretary of the Interior for information, when it was learned that a steel bridge alone would cost at least \$25,000, according to the estimate of engineers who knew the stream and who have been engaged for the last year in work on the dam above, the amount was increased to \$25,000.

Mr. POMERENE. I notice that the Secretary of the Interior recommends that one-half of this expenditure shall be paid by the local authorities.

Mr. WARREN. I think the Senator from Ohio was perhaps not in when I explained that.

Mr. POMERENE. I was not in. I just came into the Chamber.

Mr. WARREN. The Senator from Ohio will notice that an amendment to the bill provides that before the Government shall expend the money it shall obtain an agreement with the local authorities, first, to put in the approaches, and second, to maintain the bridge. That, while not fulfilling the letter of the Secretary's recommendation, really fulfills its spirit, because the locality will be doing its full part in first building the long line of approaches to the bridge, and second, in the maintenance of the bridge hereafter.

Mr. POMERENE. Mr. President, I object to the further consideration of the bill.

The VICE PRESIDENT. Objection is made, and the bill will go over.

BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. McCUMBER. I ask the Senate to return to bill (S. 6614) to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.

The VICE PRESIDENT. The understanding was that the bill was simply to be passed over temporarily until some Senator who understood the bill should return and explain it.

Mr. McCUMBER. I think I understand the situation, and I am certain I can explain the bill.

Mr. HEYBURN. The bill went over on my suggestion until the Senator from Minnesota [Mr. NELSON] should be present. I have no objection to the bill now being taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6614) to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.

Mr. McCUMBER. I can explain the bill to the Senator very briefly. We already have provision for a bridge across the Red River of the North from a little town called Drayton to the Minnesota side. There is no bridge now between Pembina, which is, I think, somewhere about 30 or 40 miles north of Drayton, and the town or village of St. Vincent, on the Minnesota side of the Red River of the North. It is proposed to allow the authorities of those two little towns of about 1,000 inhabitants each to construct a pontoon bridge across this navigable water, the same as has heretofore been constructed at Drayton. It is to be constructed under the general law relating to bridges across navigable rivers, and hence must conform to the requirements of the department so far as providing openings for the navigation of small boats is concerned. I think that explains the matter sufficiently.

Mr. HEYBURN. Mr. President, I do not object to the appropriation or the authorization for the building of the bridge;

but I was somewhat surprised at the introduction of a bill authorizing the building of a pontoon bridge. A pontoon bridge is not permanently located with regard to the banks of a stream. It is simply a bridge made of boats. It may be made up in one hour, opened in the next, and closed in the next. I do not believe there is a precedent for the authorization of the building of a pontoon bridge by legislation.

Mr. McCUMBER. I will say to the Senator that an act has been passed similar to this providing for a bridge at Drayton, as I have already stated. I will also say to the Senator that those are both little towns, and the expense of erecting a bridge across the Red River of the North there would be very large. In the winter time the people there can cross on the ice, but when the ice chokes up it would wash away almost any ordinary bridge unless it was built quite expensively; but they can remove the boats, take care of them, and have a means of intercommunication between these little towns in the summertime over this temporary bridge and in the winter time over the ice.

Mr. HEYBURN. I doubt the necessity for legislation to authorize the building of boats upon a navigable river, and that is all this amounts to. The pontoon consists of a bridge of boats tied together end to end, and tied to either shore in the same way. I doubt the necessity for legislation to authorize such occupation of a navigable stream. I asked that the consideration of the bill be suspended more in order to have some little explanation of it than for any other purpose. I have no objection to the bridge. I would vote, perhaps, for a bridge that would rest upon piers and be fastened to the banks in the ordinary way, but when new legislation or new items come up my curiosity, if nothing else, prompts me to pause long enough to understand them.

Mr. McCUMBER. The Senator, of course, understands that a pontoon bridge across there would be an obstruction to navigation—that is, if the boats were tied together—unless provision was made for opening certain sections of them. Under the general law no bridge can be built, whether pontoon or otherwise, which would obstruct the navigation of a river, without a law authorizing it.

Mr. HEYBURN. I do not think the law applies to pontoons. We have used pontoons frequently in the larger rivers, and opened them and closed them quickly and frequently. It is entirely practicable to build them across the Potomac River, and then if a vessel comes along and wants to pass through it is not at all a difficult undertaking to open a pontoon bridge. You untie the rope or unhitch the chains, as the case may be, and open it or close it.

Mr. McCUMBER. I think, however, it would be necessary to get permission to build a pontoon bridge across the Potomac or any other navigable stream.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO JUDICIAL CODE.

The bill (S. 4838) to amend section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, on page 2, line 9, after the word "attendance," to strike out "or" and insert "of," so as to make the bill read:

Be it enacted, etc., That section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and hereby is, amended so as to read as follows:

"Sec. 96. The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Trenton on the third Tuesdays in January, April, and September. At each term of the district court it shall be lawful for the judge holding such term, on consent of both parties or on application therefor and good cause shown by either party to any civil cause set for trial or hearing at said term, to order such cause to be held or tried at the city of Newark, in said district, upon the day set for that purpose by said judge: *Provided*, That such application shall be made to said judge, either in vacation or term time, at least one week before the date set for trial of said cause and on at least five days' notice to the opposite party or his or her attorney; and writs of subpoena to compel the attendance of witnesses at said city of Newark may issue, and jurors summoned to attend said term may be ordered by said judge to be in attendance upon said court in the city of Newark."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MONHEGAN ISLAND LIGHTSHIP.

The bill (S. 5387) to construct and place a lightship near Monhegan Island, entrance to Penobscot Bay, Me., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 5, after the word "Island," to insert "off the," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to have constructed and placed near Monhegan Island, off the entrance to Penobscot Bay, Me., a lightship, to cost not exceeding \$175,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to construct and place a lightship near Monhegan Island, off the entrance to Penobscot Bay, Me."

BIG SANDY RIVER BRIDGE, PIKE COUNTY, KY.

The bill (H. R. 23407) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Levisa Fork of the Big Sandy River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 1322) regulating Indian allotments disposed of by will was announced as next in order.

Mr. HEYBURN. Mr. President, I inquire what became of Calendar No. 642, being House bill 22731, which appears on the calendar?

The PRESIDING OFFICER (Mr. CURTIS). The bill was passed this morning.

Mr. HEYBURN. Very well. I ask that Calendar No. 643, being House bill 1322, be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4947) providing for the equalization of Creek allotments was announced as next in order.

Mr. SMOOT. I ask that the bill be placed on the calendar under Rule IX.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

The bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, was announced as next in order.

Mr. GALLINGER. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CONGRESSIONAL MEDALS OF HONOR.

The bill (S. 2001) to provide for the award of congressional medals of honor to officers of the naval service, and officers and enlisted men of the Revenue Marine, and for other purposes, was announced as next in order.

Mr. HEYBURN. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

PORT DISCOVERY BAY, UNITED STATES MILITARY RESERVATION.

The bill (S. 5808) granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments. The first amendment was, in section 1, page 2, line 3, after the word "meridian," to strike out "upon such line as may be determined and approved by the Secretary of War," so as to read:

That the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, a corporation created under and by virtue of the laws of the State of Washington, its successors and assigns, be, and the same is hereby, empowered to survey, locate, and maintain a railway, telegraph, and telephone line through the Port Discovery Bay, United States Military Reservation, in the State of Washington, across section 1, township 29 north, range 2 west of the Willamette meridian, and across sections 35 and 36, township 30 north, range 2 west of the Willamette meridian.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 7, after the word "way," to strike out "two," and insert "not to exceed one"; in line 9, after the words "right to," to strike out "take and use a strip of land in said reservation 200 feet in width, with a length of 3,000 feet, in addition to said right of way for stations, station grounds, and stock yards, with the right to"; in line 15, after the word "roadbed," to insert "or for the location of station houses"; in line 16, after the word "exceeding," to strike out "one hundred" and insert "fifty"; in line 18, after the word "fill," to insert "or necessary for such station houses"; in line 22, after the word "operation," to insert "including any necessary station houses"; on page 3, line 5, after the word "crossings," to insert "the construction

of the fences and crossings to be in accordance with such requirements as may be made by the Secretary of War"; and in line 16, after the word "War," to insert:

Provided further, That said corporation shall pay to the United States such annual compensation for the use of the land hereby granted as may be determined by Secretary of War to be just and reasonable: *Provided further,* That the United States reserves the right to occupy the land covered by this grant, or any portion thereof, whenever, in the judgment of the Secretary of War, such occupation may be necessary for military purposes: *Provided further,* That the right of way and other privileges granted by this act shall be subject to the regulation and control of the Secretary of War, and shall be inoperative, null, and void unless the said railway company shall complete the construction of and have in use its tracks within three years from the date of the passage of this act.

So as to make the section read:

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purposes, a right of way not to exceed 100 feet in width through said Port Discovery Military Reservation, as aforesaid, and a right to use other additional ground when cuts and fills may be necessary for the construction and maintenance of said roadbed, or for the location of station houses, not exceeding 50 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill or necessary for such station houses: *Provided,* That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation, including any necessary station houses, of said railway, telegraph, and telephone lines, and the use and enjoyment of the rights and privileges herein granted, and when any portion thereof shall cease to be so used such portion shall revert to the United States, from which same shall be taken: *Provided further,* That the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, will fence its right of way and will provide and maintain necessary and suitable crossings, the construction of the fences and crossings to be in accordance with such requirements as may be made by the Secretary of War: *Provided further,* That any corporation having a franchise for a railway, telegraph, or telephone line in the vicinity of the proposed line of said railway may, upon securing a license from the Secretary of War, use the track and other construction herein authorized to be placed upon the reservation upon the payment of just compensation; and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War: *Provided further,* That said corporation shall pay to the United States such annual compensation for the use of the land hereby granted as may be determined by the Secretary of War to be just and reasonable: *Provided further,* That the United States reserves the right to occupy the land covered by this grant or any portion thereof whenever, in the judgment of the Secretary of War, such occupation may be necessary for military purposes: *Provided further,* That the right of way and other privileges granted by this act shall be subject to the regulation and control of the Secretary of War, and shall be inoperative, null, and void unless the said railway company shall complete the construction of and have in use its tracks within three years from the date of the passage of this act: *And provided further,* That the said Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert a new section, as follows:

SEC. 3. That the location and width of the right of way and of the additional areas granted shall be subject to the approval of the Secretary of War prior to the commencement of work under the grant hereby made.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONGRESSIONAL MEDALS OF HONOR.

Mr. LODGE. Mr. President, I ask that the Senate return to Calendar No. 646, being the bill (S. 2001) to provide for the award of congressional medals of honor to officers of the naval service, and officers and enlisted men of the Revenue Marine, and for other purposes. I think objection was made to the bill because of a misunderstanding.

Mr. HEYBURN. Mr. President, if there was a misunderstanding, it will have to appear why only officers are included in the provisions of the bill.

Mr. LODGE. We have amended it so as to include the enlisted men.

Mr. HEYBURN. I could not tell that, because neither the bill nor the report is on the calendar of bills which are at my desk.

Mr. LODGE. They are both on the calendar which I have.

Mr. HEYBURN. Well, they are not on my calendar.

Mr. LODGE. They are on mine.

Mr. HEYBURN. I have just received them from the document room.

Mr. LODGE. They are here in my book. Let me say that the bill is simply to extend the general law for the conferring of medals of honor for distinguished gallantry in the service, which now applies to the officers and men of the Army, to the officers and men of the Navy, the Marine Corps, and the Revenue-Cutter Service.

Mr. HEYBURN. Now, unless the amendment includes the enlisted men—

Mr. LODGE. The Senator will observe that on page 2 the committee have recommended an amendment so as to include enlisted men in each instance, and I shall offer another amendment to make the bill conform to the committee amendment by making it apply to commissioned, warrant, appointed, and petty officers, and enlisted men. That was the intent of the committee.

Mr. HEYBURN. It is because that information was not accessible to me that I heretofore raised the objection to the consideration of the bill. For some reason neither the bill nor the report is in the calendar of bills on my desk. I sent for them and have just received them. With the proposed amendments the bill is entirely satisfactory, and I withdraw any objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, in section 2, page 2, line 14, after the word "officers," to insert "and enlisted men," and in line 15, after the word "officers," to insert "and enlisted men," so as to make the section read:

SEC. 2. That the "joint resolution relative to the medals of honor authorized by the acts of December 21, 1861, and July 16, 1862," approved May 4, 1898, be hereby amended to extend and include the commissioned, warrant, or appointed petty officers and enlisted men of the Regular or Volunteer Navy. The commissioned officers and enlisted men of the Marine Corps and the commissioned, warrant, and petty officers and enlisted men of the Revenue-Cutter Service, cooperating with the Navy, and in instances where the revenue cruisers have been acting independently of the Navy, the Secretary of the Treasury shall have the same authority which has been conferred upon the Navy Department in pursuance of the joint resolution of May 4, 1898, in relation to the commissioned, warrant, and petty officers and enlisted men of the Revenue Marine.

The amendment was agreed to.

Mr. LODGE. I desire to offer several amendments on the first page, in order to make the bill conform to the amendments just adopted. In line 7, after the word "warrant," I move to strike out the word "or"; in line 8, after the word "officer," where it first occurs, to strike out the word "or"; in line 8, after the words "petty officer," to insert "or enlisted man"; and, then, after the words "commissioned officer," in line 9, I move to insert the words "or enlisted man."

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. On page 1, line 7, before the word "appointed," it is proposed to strike out the word "or"; in line 8, before the words "petty officer," to strike out the word "or"; in the same line, after the words "petty officer," to insert the words "or enlisted man"; and in line 9, after the words "commissioned officer," it is proposed to insert "or enlisted man," so as to make the section read:

That the President of the United States is hereby authorized to cause medals of honor to be struck, from dies to be prepared at the United States Mint for the purposes of this act, and to present or cause the same to be presented, in the name of Congress, to any commissioned, warrant, appointed officer, petty officer, or enlisted man of the Regular or Volunteer Navy, or commissioned officer or enlisted man of the Marine Corps, or the commissioned, warrant, and petty officers and enlisted men of the Revenue-Cutter Service, cooperating with and under the control of the Navy, in conformity with section 2757 of the Revised Statutes, and the officers and enlisted men of the revenue cruisers, acting independently thereof, who have distinguished themselves in battle, or who shall distinguish themselves in battle, or display extraordinary heroism in the line of their profession.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Massachusetts to the fact that the title should probably be amended.

Mr. LODGE. I suggest that the title be amended so as to read, "Officers and enlisted men of the naval service," and so forth.

The PRESIDING OFFICER. Without objection, the title will be so amended.

Mr. GALLINGER. Let the title be read from the desk as amended.

The SECRETARY. It is proposed to amend the title so as to read: "A bill to provide for the award of congressional medals of honor to officers and enlisted men of the naval service and officers and enlisted men of the revenue marine, and for other purposes."

The PRESIDING OFFICER. The title will be so amended, in the absence of objection.

Mr. WARREN. Mr. President, I desire to ask the Senator, does not the present law provide for medals of honor to naval officers, although not perhaps to officers of the Revenue-Cutter Service?

Mr. LODGE. It does provide for naval officers, but—

Mr. WARREN. And enlisted men, does it not?

Mr. LODGE. No.

Mr. WARREN. I want to ask the Senator whether a separate medal is to be struck for this purpose, or is it to extend the provisions of the act originally providing for medals of honor?

In the first place, the act provided for medals of honor to enlisted men. Years afterwards it was made to apply to enlisted men and officers of the Army—

Mr. LODGE. These medals are to be struck from dies already made.

Mr. WARREN. Now it is proposed to make it apply to the officers and men of the Navy?

Mr. LODGE. And Marine Corps.

Mr. HEYBURN. I should like to inquire—I have not the act referred to before me—who determines as to the recipients of the medals?

Mr. WARREN. A board.

Mr. LODGE. A board recommends them and the President gives them.

Mr. HEYBURN. That is in the act?

Mr. LODGE. That is in the act.

Mr. WARREN. I observe one sentence of the law, if the Senator will turn to it, that I should like to have him explain somewhat. It provides for a gratuity and a medal of honor to seamen distinguishing themselves in battle or by extraordinary heroism in the line of their profession.

Mr. LODGE. That is proposed to cover cases such as frequently occur at sea where a man at great risk of his life rescues another man who has gone overboard. That is a thing that constantly happens in the line of their profession, but not in battle.

Mr. WARREN. That is what I wanted to know, whether that applies alone to the naval service, because in the case of the Army the original purpose, because of an amendment, miscarried, so that a good many medals were distributed on what afterwards were not considered to be proper grounds, and there was a new law passed which bestowed such medals only for distinguished gallantry in battle.

I think it is no more than right to have it apply to distinguished service in the Life-Saving Service, and so forth, if it is not too broad.

Mr. LODGE. I do not think it will be found too broad. The board is very careful about granting these medals.

BILLS PASSED OVER.

The bill (S. 4331) for the relief of William E. Farrell was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 5863) for the retirement of employees in the civil service, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 5806) to correct the naval record of Franklin Pierce was announced as next in order.

The PRESIDING OFFICER. The Chair desires to announce that this bill was adversely reported from the committee and was called back and is now on the calendar.

Mr. GALLINGER. Let it go over for the present.

The PRESIDING OFFICER. The bill will go over.

BILLS OF LADING.

The bill (S. 957) relating to bills of lading, was announced as next in order.

Mr. CLAPP. Under an arrangement with the junior Senator from the State of Ohio [Mr. POMERENE], who desires to offer a substitute, but which substitute is not ready for presentation at this time, I will ask that the bill go over for the present.

The PRESIDING OFFICER. It will go over.

PUBLIC BUILDING AT KEYSER, W. VA.

The bill (S. 5006) to provide for the erection of a public building at Keyser, W. Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment in line 10, before the word "thousand," to strike out "seventy-five" and insert "fifty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults and heating and ventilating apparatus, for the use and accommodation of the United States post office in the town of Keyser, W. Va., the cost of the same not to exceed \$50,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OLYMPIA, WASH.

The bill (S. 6283) increasing the cost of erecting a public building at Olympia, Wash., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds, with an amendment in line 6, before the word "dollars" to strike out "three hundred," and insert "one hundred and fifty thousand"; so as to make the bill read:

Be it enacted, etc., That the limit of cost heretofore fixed for the erection of a public building at Olympia, Wash., be, and the same is hereby, increased to \$150,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois, that the Senate proceed to the consideration of executive business. [Putting the question.] The ayes appear to have it.

Mr. SWANSON. A division.

The motion was rejected; there being on a division—ayes 6, noes 14.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14083) to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes.

HOUSE BILL REFERRED.

H. R. 24016. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

MEMORIAL AMPHITHEATER AT ARLINGTON CEMETERY.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery.

Mr. BORAH. Will the Senator from Massachusetts withhold his motion until I can see if I can get unanimous consent to consider a bill? If there is any objection to my bill I will not ask to delay the Senator.

Mr. LODGE. I made the motion because under the agreement made, when the calendar had been concluded, it was in order to make a motion to take up a bill notwithstanding the objection. But the Senator from Nebraska, who objected to that bill, is not here, and I therefore withdraw my motion to take it up.

PUBLIC LANDS CARRYING PHOSPHATE DEPOSITS.

Mr. BORAH. I ask unanimous consent that the Senate consider the bill (S. 4148) to provide for the acquiring of title to public lands classified as and carrying phosphate deposits.

Mr. HEYBURN. Let it be read for information.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Public Lands with amendments.

The amendments were, on line 13, page 1, to strike out the words "first form"; on line 7, page 2, after the word "disposal," to insert the following: "as placer or lode claims as may be appropriate"; on line 14, page 2, after the word "hearing," to insert "before said court," so as to make the bill read:

Be it enacted, etc., That any person who has in good faith located, selected, or entered, or any person who shall hereafter locate, select, or

enter, under the nonmineral land laws of the United States any lands which are subsequently classified, claimed, or reported as being valuable for phosphate may, if he shall so elect, and upon making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which shall contain a reservation to the United States of all phosphate deposits in said lands and the right to prospect for, mine, and remove the same; and all unappropriated public lands now embraced within phosphate withdrawals shall, after the passage and approval of this act, be subject to location, selection, and entry under the provisions of the agricultural public land laws, subject to the provisions of this act. The phosphate deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the mining laws applicable to the acquisition of phosphate lands in force at the time of such disposal as placer or lode claims as may be appropriate, but no such person shall enter upon such lands to prospect for or mine and remove phosphate therefrom without previous consent of the owner under such patent, except upon such conditions as to security for the payment of all damages to such owner caused thereby as may be determined by a court of competent jurisdiction: *Provided*, That nothing herein contained shall be held to affect or abridge the right of any locator, selector, or entryman to a hearing before said court for the purpose of determining the character of the land located, selected, or entered by him: *Provided further*, That such hearing shall be had upon the written application of the locator, selector, or entryman at any time after location, selection, or entry and prior to the issuance of patent for the lands so located, selected, or entered.

The amendments were agreed to.

Mr. WARREN. I should like a brief explanation of the bill from the Senator from Idaho. I did not quite catch the bill as it was read. Will the Senator state the purpose of the bill?

Mr. BORAH. The purpose and object are to provide for agricultural entries upon lands which have been withdrawn for phosphate, without interfering with the agricultural locations. That is to say, reserving the phosphates, but permitting agricultural entries on those lands. It is built upon the same principle as surface entries on coal lands, reserving all phosphates and at the same time giving those who wish to hereafter explore and to go upon the land an opportunity to do so, giving bond to the holder of the agricultural lands.

Mr. WARREN. Does it give the State the same privilege of accepting, if they wish the surface rights?

Mr. BORAH. The State?

Mr. WARREN. Yes.

Mr. BORAH. I do not think it covers the State, as we drew it, and I do not think there is any amendment which covers it.

Mr. WARREN. Would the Senator have any objection to so amending it?

Mr. HEYBURN. I may be able to lend some assistance if the Senator from Wyoming will again state his inquiry.

Mr. WARREN. Some cases have come up where land has been selected as lieu land by the State, and after renting it and passing it over so far as they are concerned, the Government labels it oil land or phosphate land, and it is therefore hung up, and some of the States have asked that in these reservations whatever we do for the settler we give the State the privilege of doing.

Mr. BORAH. I do not think it would be safe to enter upon that proposition in this bill, because it opens up other branches that will undoubtedly lead to discussion.

Mr. HEYBURN. This only applies where the title is in the United States.

Mr. BORAH. Yes.

Mr. HEYBURN. It does not apply in cases where the title is undetermined and unsettled.

Mr. WARREN. So it is in the lieu lands, until the finality.

Mr. HEYBURN. This applies to public lands of the United States.

Mr. WARREN. I do not want to interfere with the bill, but I should like to have the States taken in. Perhaps that can be done in another way.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESERVATION OF FUR SEALS.

Mr. LODGE. I desire to give notice that on Monday, immediately after the routine business, I shall ask the Senate to take up the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911.

RETRIAL OF CADETS.

Mr. SWANSON. I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnell D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. WARREN. There are several amendments, mostly in changes of language. I will send to the desk a copy of the bill with the amendments indicated.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. On page 1, line 8, strike out the name "Simpkins" and insert "Simkins"; in line 10 strike out "for violations of regulation numbered 132" and insert "for having violated on August 4, 1911, paragraph numbered 132 of former regulations"; on page 2, line 6, strike out "regulation" and insert "paragraph"; in line 8 strike out "regulation" and insert "paragraph"; in the same line strike out "forty-five" and insert "forty-two"; and in line 9, after the word "regulations," to insert "approved June 15, 1911." It is also proposed to amend the title so as to read: "A joint resolution authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them."

The joint resolution if thus amended would read as follows:

Joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

Resolved etc., That the President be, and he is hereby, authorized to reassemble the court-martial, or as many members thereof as practicable, not less than the minimum prescribed by law, which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy at West Point, N. Y., for having violated on August 4, 1911, paragraph No. 132 of former regulations of the said academy, and sentenced them to be dismissed from the service, and to resubmit the case of any one or more of said cadets upon his or their applications to said court for reconsideration of the sentence; and upon such consideration the court is authorized to construe said paragraph as not necessarily requiring a sentence of dismissal, but as permitting a lesser punishment, as provided in paragraph No. 142 of the current regulations, approved June 15, 1911, and to modify the sentence accordingly; and that the President be, and he is hereby, authorized to carry such modified sentence or sentences into effect, notwithstanding the prior dismissal of said cadets, by reinstating them in accordance with the terms and conditions of the modified sentence as approved by the President.

Mr. CULLOM. I make the point of order that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	Heyburn	Root
Bacon	Crawford	Johnston, Ala.	Shively
Borah	Cullom	Lea	Sinmons
Bourne	Cummins	Lodge	Smith, Ga.
Bristow	Curtis	Martine, N. J.	Smith, S. C.
Burton	Fall	Myers	Swanson
Catron	Fletcher	Overman	Warren
Chilton	Gallinger	Page	Watson
Clapp	Gardner	Perkins	
Clark, Wyo.	Gronna	Pomerene	

The PRESIDING OFFICER. Thirty-eight Senators have responded to their names; not a quorum.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to, and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, May 13, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, May 11, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee from our heart of hearts that the people of this country have with one accord set apart a day called by the sweetest and most endearing of all names—mother. To-morrow we shall wear in sacred memory the white carnation, the white rose, the lily of the valley. To her the world owes a debt of gratitude which can never be canceled. It was mother who went down to the very gates of death that we might live. From her we drew the strength of life. It was mother who cradled us in her dear arms and comforted our childish sorrows. It was Thy love reflected in her which watched over us by day and by night and inspired in us the purest, the noblest thoughts of life. At her knee we learned to hush the inspiring and uplifting words, "Our Father who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in earth as it is in heaven."

So long as we revere her name will our homes be pure and the genius of our Republic be sacred.

Mother is in heaven for most of us. There she waits our coming, for heaven will not be heaven for mother until the pearly gates have opened for her children. Blessed be her memory forever, O God, our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4762. An act to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes";

S. 459. An act to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians; and

S. 5141. An act to correct an error in the record of the supplemental treaty of September 28, 1830.

The message also announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 142. Joint resolution to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4762. An act to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes"; to the Committee on Ways and Means.

S. 459. An act to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians; to the Committee on Indian Affairs.

S. 5141. An act to correct an error in the record of the supplemental treaty of September 28, 1830; to the Committee on Indian Affairs.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 1. An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. GARNER. Mr. Speaker, I call up the conference report on the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes.

The SPEAKER. The gentleman from Texas calls up a conference report, which will be read by the Clerk.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 652).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 14083

having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

H. D. CLAYTON,

E. Y. WEBB,

Managers on the part of the House.

C. D. CLARK,

KNUTE NELSON,

C. A. CULBERSON,

Managers on the part of the Senate.

STATEMENT.

The conferees on the part of the House agreed to the Senate amendments Nos. 1 and 2, which strike out sections 3 and 4 of the bill, for the reason that, in our opinion, the matters mentioned in those sections are provided for by general law, and therefore said sections 3 and 4 are unnecessary.

H. D. CLAYTON,

E. Y. WEBB,

Managers on the part of the House.

Mr. MANN. Is the original bill at the Clerk's desk?

The SPEAKER. Yes; the original bill is on the Clerk's desk.

Mr. GARNER. Mr. Speaker, I move to agree to the conference report.

The question being taken, the conference report was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAY, from the Committee on Military Affairs, reported the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 690), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves points of order on the bill.

PERSONAL PRIVILEGE.

Mr. HEFLIN. Mr. Speaker, I rise to a question of personal privilege.

The Washington Herald of this morning contains a report written by some reporter for that paper who has the privilege of the press gallery about the amendment offered by the gentleman from Georgia [Mr. RODDENBERRY] on yesterday regarding the separation in the soldiers' homes of white and negro Federal soldiers. In that report he used the following language:

The House was at once thrown into a state of excitement. Representative ELLERBE, of South Carolina, the leading soloist, tuned up, while TOM HEFLIN, of Alabama, who believes the Civil War is still in progress, got ready for action.

Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER. The gentleman from Alabama asks leave to address the House for 15 minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman is recognized for 15 minutes.

Mr. HEFLIN. Mr. Speaker, I did not see the gentleman from South Carolina [Mr. ELLERBE] at the time this amendment was pending yesterday. I am informed that he was in Philadelphia with the Rivers and Harbors Committee. The House was not thrown into excitement; nobody was excited. As for myself, I took no part in the debate.

The gentleman from Georgia [Mr. RODDENBERRY] had read to this House a letter from a Federal soldier from New York, a white man, asking that the white and negro Federal soldiers be separated and congratulating him upon his efforts along this line. I voted for the amendment of the gentleman from Georgia [Mr. RODDENBERRY]. I would favor separating the old Confederate soldier from the negro soldier, and I would grant the wish of these old Federal soldiers. If you should poll the Federal soldiers to-day, the brave men who followed Grant through that struggle for four long years, every one of them without a single exception would vote for separation of the races in these soldiers' homes. [Applause.]

I do not know by what authority this agent of the Washington Herald, who has the privilege of the press gallery, says that I believe "the Civil War is still in progress." There is not a man in this House who has said more, for the brief time that I have been in Congress, in the House and on the hustings, in the effort to bind more closely these sections than I have. [Applause.] I stood here in this hall in the Democratic caucus and cast my vote to make a blind Federal soldier, who had been

Chaplain of a Republican Congress, Chaplain of a Democratic House. [Applause.] I stood here in that same Democratic caucus and cast my vote to make Gen. SHERWOOD, a Federal general from Ohio, chairman of the Committee on Invalid Pensions. [Applause.] I have, by the invitation of Federal soldiers in the North, addressed them on Lincoln's birthday on two or three occasions, and I have recently been invited to address the sons of Federal soldiers on Memorial Day at Sunbury, Pa. These people know me better than does the reporter of the Washington Herald.

Mr. Speaker, the efforts of the reporter of the Washington Herald to put me in a false attitude before the country will fail to accomplish that purpose. [Applause.]

In reply to the gentleman from Illinois [Mr. CANNON] a year ago, when he was speaking about the war of the sixties and criticizing the South, I stated that it was a southern boy, Worth Bagley, of North Carolina, who spilled the first blood in the War with Spain, and I referred to the fact that Gen. Joe Wheeler, of Alabama, and Gen. Grant, the son of Gen. Grant, the old war general, and Fitzhugh Lee, and Gen. Shafter stood side by side beneath the Stars and Stripes in that War with Spain, and I said on the floor then "Thank God, the war is over." [Applause.]

When I was in Kentucky in the campaign last fall a scene I shall never forget greeted my eyes, one that impressed me deeply. It was in the district represented by the gentleman from Kentucky [Mr. THOMAS]. I was to make a speech at 12 o'clock. The old Federal soldiers were having a reunion, and when I arrived they hastened to close their deliberations and give me the hall in which to speak. There were Confederate soldiers in that audience, and the reunion closed with Federal and Confederate soldiers shaking hands with each other, while tears were streaming down their faces and their voices mingled together as they sang "God be with you until we meet again." [Applause.]

Mr. Speaker, I have voted to grant pensions to Federal soldiers during the eight years that I have been here. I do not believe that the old soldier, Federal or Confederate, who is rich in this world's goods ought to be on the pension roll of the United States or the State. I would give the money that these wealthy soldiers receive to the poor and needy soldiers. [Applause.]

In the State of Alabama we pension Confederate soldiers, but no rich soldier can draw a pension. Those who need help are the ones the Government should help, whether it be State or Federal Government.

I have been renominated to Congress without opposition [applause], and I want to say to the old soldier who followed the flag under Grant that I will vote to grant him a pension whenever he becomes needy and presents the proof to this House. [Applause.]

Mr. Speaker, I have always had the greatest respect for newspaper men. They are clever gentlemen, as a rule. A majority of those that I know are my friends. Sometimes newspaper men criticize me, and I do not object to open, honest, and fair criticism; but when one of these men sitting here in the press gallery undertakes to misrepresent me, as did this reporter of the Washington Herald, I resent it. So far as I know, the other members of the press gallery are fair.

Mr. Speaker, I trust that this reporter will not mistreat and misrepresent anyone else in this House as he has me. I take the Washington Herald and read it every morning, and it would be well for the management to look into this matter and see that its reporters in this House are fair and just to Members of Congress.

The report in that paper this morning regarding me is false, and no Republican in this House believes that I have such feelings as that reporter has stated in the Washington Herald to-day. [Prolonged applause.]

BILLS ON THE PRIVATE CALENDAR.

Mr. POU. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, and upon that motion I ask unanimous consent that bills from the Committee on Claims be considered first, and that of the bills reported from the Committee on Claims the bill H. R. 23451 be considered first by the Committee of the Whole.

The SPEAKER. The gentleman from North Carolina [Mr. POU] moves that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. TILSON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if there could be any opportunity for other bills on the Private Calendar to be considered?

Mr. POU. I do not think this bill will take up the entire day or anything like it.

Mr. TILSON. There are some bills on the Private Calendar that will take only a few minutes, and it seems to me we ought to have a chance at as early a date as possible to pass those bills.

Mr. FOSTER. Mr. Speaker, I think the special order giving the Claims Committee this day does not include other private bills.

The SPEAKER. The Chair will say to the gentleman from Illinois [Mr. FOSTER] that this day was simply substituted for the other day, and whatever rights the chairman of the Committee on Claims had on the day that was taken away from him he has to-day.

Mr. FOSTER. That is correct. I have read the order.

The SPEAKER. And pending the motion to go into the Committee of the Whole House the gentleman from North Carolina asks unanimous consent that bills reported from the Committee on Claims have preference, and that bill 23451 be first considered. Is there objection?

Mr. GOOD. Mr. Speaker, reserving the right to object, I desire to ask the gentleman what are the bills reported from the Claims Committee which the gentleman desires to bring up?

Mr. POU. There are two bills here providing for the payment largely for personal injuries. There are a few other items in them, but I will state to the gentleman both of those bills come in as a unanimous report from the Committee on Claims.

Mr. GOOD. Mr. Speaker, there are a number of bills, some very meritorious bills, on the Private Calendar. There has been no opportunity to present them at this session of Congress, and I understand that the two bills referred to will occupy a large portion, if not all, of this legislative day, and therefore I object.

The SPEAKER. The gentleman from Iowa objects. The question is on the motion of the gentleman from North Carolina that the House resolve itself into the Committee of the Whole House to consider bills on the Private Calendar.

The question was taken, and the motion was agreed to.

CLAIMS FOR PERSONAL INJURY AND DAMAGE TO PRIVATE PROPERTY.

Accordingly the House resolved itself into the Committee of the Whole House to consider bills on the Private Calendar, and Mr. HAMLIN took the chair amid general applause.

The CHAIRMAN. The House is in the Committee of the Whole House for the consideration of bills on the Private Calendar, and the Clerk will report the first bill—

Mr. POU. Mr. Chairman, I call up the bill H. R. 23451.

The CHAIRMAN. The Chair will state to the gentleman from North Carolina that bills must be called in the order in which they appear on the calendar.

Mr. POU. Mr. Chairman, I move that the bill H. R. 23451 be taken up.

The CHAIRMAN. The Chair thinks that motion will not be in order at this time.

Mr. GARRETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT. Has not the gentleman first recognized the right to move that it be taken up out of order?

Mr. MANN. Mr. Chairman, as I understand, the rule is that these bills to-day from the Committee on Claims and other committees, other than War Claims, are to be considered in regular order, but it has been held by Chairmen that it was in order to move to take a bill up out of order. That has been the practice.

The CHAIRMAN. Can the gentleman from Illinois cite any authority on that proposition?

Mr. MANN. I can not cite any authority, because I do not know whether there is any authority, but I know that has been the ruling in the past and is occasionally done. That leaves to the Committee of the Whole the authority to determine the order in which they will consider the bills; without that order they come up in regular order.

The CHAIRMAN. Will the gentleman from North Carolina state his motion again?

Mr. POU. My motion is that the committee proceed to consider the bill H. R. 23451 out of its regular order.

The CHAIRMAN. The Chair will entertain the motion.

The question was put, and the motion was agreed to.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property.

Mr. POU. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the first reading of the bill be dis-

pensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. POU. Mr. Chairman, there is just a word I desire to say about this bill. The bill carries an appropriation of \$39,603 and comes as a unanimous report from the Committee on Claims. There may appear some inconsistencies in the amounts that we have allowed for these unfortunate persons, who have been injured in the service of the Government. I want to say that I do not believe it will be found that in any case the committee has allowed too much. It may be that in numerous cases we have allowed too little. It will be found that a great majority of the items of this bill provide for the payment of various sums to persons injured in the service of the Government, who could not be allowed anything under the act of May 30, 1908. The committee has followed, as far as possible, the rule laid down in the law, to wit, that wherever a person was totally disabled or wherever he lost his life, the committee has allowed to his heirs or legal representatives approximately one year's pay. There are some cases in which the committee has departed from the rule. I simply say to the committee here that we have done the best we could. I do not believe that the items providing for compensation for death and personal injuries in these two bills—House bill 23451 and House bill 24121—will exceed \$80,000. During the entire time that the Members of this House will serve here, I believe they will not vote any sum of money that will do more good or will be more beneficently bestowed than the sum these two bills carry for these unfortunate people.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. POU. I will.

Mr. MONDELL. The gentleman stated that these claims could not be paid under the act of Congress to which he referred providing for the payment of claims for personal injuries and damage to property. Why could not the claims be paid under that act; because they accrued prior to the passage of the act?

Mr. POU. Yes.

Mr. MONDELL. Is that the only reason why these claims could not be paid under the act to which the gentleman referred?

Mr. POU. In the personal-injury cases, yes. There are a number of these injuries that occurred just a week or so before this act went into effect.

Mr. MONDELL. I understand; but what I wanted to know was whether or no these were all cases that would come under the provisions of the act of Congress had the injuries been received or damage to property occurred before the passage of the act?

Mr. POU. I believe that is so in almost every case.

Mr. MONDELL. It is in practically every case?

Mr. POU. In practically all of them. There may have been one or two instances, perhaps half a dozen, in which persons in the service of the Government were injured, who would not have come within the provisions of the act of 1908.

Mr. MONDELL. Have all the cases contained in this bill been transmitted to Congress in the form of an estimate by the War Department?

Mr. POU. The report shows, I think, in every case the department has recommended a payment. I will say to the gentleman that I had a conference with the Secretary of War and he is very deeply interested in this matter, and is firmly convinced of the justice of these claims.

Mr. MONDELL. One more question, if I may. The Book of Estimates contains—I am not able to turn to it now—certain estimates submitted by the Secretary of War for personal-injury claims and for damage to private property. Does this bill and the other bill referred to contain all the cases in those estimates or only a part of them?

Mr. POU. Not all. There are a few bills still pending before the committee, but a very few.

Mr. MONDELL. How does it happen the committee does not take up those estimates as presented by the War Department and pass on all of them rather than to take up cases that might be presented by a Member and consider those and not consider other worthy claims presented by the department?

Mr. POU. Now, I will say to the gentleman this—

Mr. MONDELL (continuing). But with regard to which no Member of Congress was sufficiently interested to bring them to the attention of the committee.

Mr. POU. I will say to the gentleman this: The committee has considered, I believe, every bill that has been recommended by the War Department. But the gentleman is well aware, I imagine, that there are bills pending before the committee which are not based upon estimates of the War Department; and the gentleman is, no doubt, well aware of the fact also that under the rules of the committee in force for some years

past no action is taken upon a bill until the Member introducing it asks for it.

Mr. MONDELL. The gentleman says there are some cases in this bill in regard to which the War Department did not voluntarily present an estimate, but that the committee passed them because a Member had introduced the bill and asked them to consider it. But at the same time is it not true that there are a considerable number of cases where the War Department did make a specific estimate and did present the case to the attention of Congress, but owing to the fact that no Member of Congress has been sufficiently interested to introduce a special bill, the committee has paid no attention to them?

Mr. POUL. No. I will say to the gentleman that in all those cases where the War Department voluntarily sent estimates to the committee, I undertook to look after the bills myself.

Mr. MONDELL. If the gentleman will allow me—

Mr. POUL. And I will say to the gentleman I introduced a bill carrying probably half a dozen items which were recommended by the War Department. Upon investigation I ascertained that there was no Member pushing those claims, and because of that fact I introduced this bill myself, and the committee considered the items, and they are a part of either one or the other of these bills.

Mr. MONDELL. My attention was called to a number of claims at the beginning of the session. The claimants are not constituents of mine, but it happened that the damage to property occurred in my State, and so my attention was called to the matter, not by the claimants themselves, but by others, and I looked the matter up, and I found their cases were included with a number of other cases that the War Department had submitted to Congress for its consideration. And I said to those who called these cases to my attention, "I assume the Committee on Claims will take up the recommendations of the War Department with regard to these and other cases and consider all of them." I did not feel it was incumbent upon me to introduce a bill or bills for those parties. Up to a few days ago no action had been taken with regard to those cases, although they are based upon the same recommendation that these other cases are.

Mr. HAY. If the gentleman from North Carolina [Mr. POUL] will permit, I will say to the gentleman from Wyoming [Mr. MONDELL] that the claims to which the gentleman referred were estimated for by the War Department under the head of "Military establishment."

Mr. MONDELL. Yes.

Mr. HAY. And the committee of the House refused to consider the claims, because they thought the Committee on Military Affairs had no jurisdiction over them.

Mr. MONDELL. That is, the Military Committee refused to do so.

Mr. HAY. When the bill went to the Senate, the Senate put those claims on the bill, and the matter is in conference. I do not think the Military Committee has any jurisdiction over these claims, I will say to the gentleman.

Mr. MONDELL. Is it not true that some of the cases placed on the military bill in the Senate are the same as the cases included in these two bills reported by the Committee on Claims of the House?

Mr. HAY. There is a case of that sort of a man named Ingraham, I think.

Mr. MONDELL. Are there not a number of such cases?

Mr. HAY. I do not know how many of them. I know the case of Ingraham, which is a \$5,000 claim and the largest claim in the bill, and the War Department has insisted we should take jurisdiction of these claims, because they said the Committee on Claims would not report them. My information is that the Committee on Claims would report them if anybody would take the trouble to go to them and show them they were just claims.

Mr. MONDELL. Now, this is my understanding of the situation: I am not criticizing the gentleman's committee for not taking up those claims and presenting them to the House. I presume they are correct in their view that they had no jurisdiction over them. But the Military Committee of the Senate apparently took a different view of it, and have added all the claims that have been submitted to them by the War Department to the military bill. Am I correct?

Mr. HAY. You are.

Mr. MONDELL. That same estimate came before the Committee on Claims. Members who were interested in some particular claims—30 or 40; I do not know how many there are—introduced bills, and thereupon the committee considered those claims that individual Members are interested in, but paid no attention to the other claims in the item submitted by the War

Department and in which no Member had any particular interest.

It occurs to me, and I might suggest it to the Committee on Claims, that when the War Department or any department of the Government submits claims and suggests the payment of them, they all being based on the same examination and having had the same investigation, Members of Congress ought not to be compelled to introduce bills, 30 or 40 of them, covering those cases, but that they should be reported by the committee after consideration and investigation in gross, or at least as many of them as appeal to the committee on their merits, and not because somebody is pressing them.

Mr. HAY. The gentleman does not mean to say that the committees of this House would report any estimate without investigation, does he?

Mr. MONDELL. I said "after investigation." My suggestion is that when these estimates are made to Congress by the War Department, all resting on the same basis, it is the province of some committee to take them up and examine them, one and all, rather than to wait for some one to introduce a bill with regard to some one of the items and press it before the committee and have it reported when it has no more virtue than all the other items that are not acted upon.

Mr. POUL. Will the gentleman permit a question?

Mr. MONDELL. I have not the floor. I am simply speaking through somebody's courtesy.

Mr. POUL. Would not the gentleman recognize the fact that there is nothing before the committee in case there is no bill introduced? This committee does not operate automatically.

Mr. MONDELL. I understand; but without presuming to tell the committee how it should operate, it occurs to me that it would be a very proper thing for the chairman or some member of the committee to introduce a bill covering all the cases presented by the departments of the Government for the consideration of Congress.

Mr. FRANCIS. That would be simply a matter of practice, but not according to the rule. The gentleman might look at our rules. I think we have pretty good rules.

Mr. POUL. If I can have the attention of the gentleman from Virginia [Mr. HAY], I would like to say that, as I understand it, the Committee on Military Affairs refuses to consider these claims.

Mr. HAY. Yes; on the ground that they have no jurisdiction.

Mr. POUL. There has been a controversy, I will say to the gentleman, with respect to jurisdiction. The Committee on Claims has included a few of these items in this bill. At this very moment the committee is proceeding to consider the remainder of those claims, and I will say to the gentleman that if nobody else introduces such a bill, I will do in that case what I did in respect to these unfortunate laborers who had nobody here pushing their interests—I will introduce a bill myself; and I promise the gentleman that the matter shall have full and fair consideration by the Committee on Claims.

The committee is still at work. All of these items have been referred to one subcommittee, and that subcommittee at this very time is working diligently, sifting this large number of claims. We will give everybody an opportunity to have their claims paid in cases like that which the gentleman cites, where an estimate has been made by one department of the Government.

Mr. MONDELL. The gentleman understands that all the cases I have reference to are cases where the claims would be paid automatically were it not for the fact that the damage or the injury incurred was prior to the passage of the act of Congress providing for such payment—

Mr. POUL. I understand that perfectly—

Mr. MONDELL. And the department submitted a statement to the effect that they had been examined and that they come under the law. But under the circumstances they must be considered by some committee, because of the fact that they occurred prior to the passage of the act.

Now, there are some of these cases that no Member of Congress is particularly interested in, to the extent that he is disposed to give his time and attention to them as an individual case. There are two of those cases that were brought to my attention.

The people concerned do not live in my district. I did not feel called upon to introduce bills in their behalf. I assumed that inasmuch as their cases have been presented in due and proper form by the department all of their cases would be brought before the committee in the form of an omnibus bill, the committee reporting such cases as they felt should be reported after an examination.

It seems to me that is the proper and orderly way to do it, rather than have individual Members of Congress introduce separate bills, as they do in cases where they are particularly interested.

Mr. POU. I have attempted to explain to the gentleman the reason why part of these cases were included in this bill and part of them were not so included. It is partly on account of the question of jurisdiction, which has just been settled; and I have promised Members here—and I am sure the members of the committee are with me—that we will give these claims consideration.

Mr. MONDELL. I can not understand how there can be a conflict of jurisdiction. The Committee on Military Affairs refused to accept jurisdiction. I am not certain but that they are right.

Mr. RUCKER of Colorado. Mr. Chairman, a point of order. The CHAIRMAN. The gentleman will state it.

Mr. RUCKER of Colorado. My point of order is, Mr. Chairman, that this discussion has nothing to do with what is in this bill. It has to do with what is not in the bill.

The CHAIRMAN. The point of order is overruled.

Mr. MONDELL. Mr. Chairman, I do not want to detain the House, but I do think that we ought to have this matter cleaned up and clearly understood.

Mr. POU. I will say to the gentleman—

Mr. MONDELL. I want to say that I have no extra time to chase around after claims that are absolutely good and that ought to be paid on their merits, but in which my constituents have no immediate interest.

Mr. POU. I can not see how the matter can be cleared up in any other way than in the way I have explained. I assure the gentleman that all the claims that have not been included in this bill will be considered, and if necessary I will myself introduce a bill covering them.

Mr. MONDELL. Well, it has taken a long time to get that assurance, I will say to the gentleman, but I am glad we have it now.

Mr. POU. The gentleman got it immediately when he suggested the situation.

Mr. MONDELL. I have had this matter under consideration for some months, touching the propriety of what I now suggest that some one connected with the committee ought to introduce an omnibus bill and take these cases up, and not compel Members in cases of this kind, where there is no question about the propriety of the payment being made, to introduce separate bills and bring the matters before the committee and go through all the tedious routine of reporting all these separate bills when the cases all rest upon the same class of evidence and are all presented to the committee by a department with the assurance that they have been investigated and would come within the law but for the fact that the injury or damage occurred prior to the passage of the act.

I do not want to criticize the committee, and yet it does seem to me that the committee is subject to some criticism for not having taken up all these cases. If any were considered all should have been considered.

Mr. BARTLETT. If the gentleman will allow me, I merely want to suggest to him that he certainly does not expect the committee to do his work as well as their own. It occurs to me to say that if the gentleman has a claim against the Government on behalf of anybody in his district he ought not only to introduce a bill, but be glad to have the opportunity to do it.

Mr. MONDELL. If the gentleman will allow me, I will say that while I realize that it may help a man politically to get a claim of a few dollars through for John Smith, most of us have enough to do without working unnecessarily on that sort of thing, and while no constituent of mine has so small a claim but what I will give it and always have given it proper consideration, yet in the particular cases to which I refer the claimants were not constituents of mine at all. The only reason why the matter was brought to my attention at all was because the damage occurred in the State which I represent. I assumed, as a matter of course, that when the War Department says the property of John Jones and Bill Smith and Tom Brown has been damaged in a certain way and should be paid for and reports these cases to Congress and recommends payment, the committee should take the cases up and pass on them rather than wait for some one to introduce a bill, I hope not for the purpose of getting a little credit at home, because, after all, what we want is not credit for attention to one of these small claims, but the payment of the claim. It is not credit for the payment of the claims that I am seeking, but that the claims shall be paid.

Mr. BARTLETT. Mr. Chairman, just a word.

Mr. AUSTIN. Mr. Chairman—

The CHAIRMAN. To whom does the gentleman from North Carolina [Mr. POU] yield?

Mr. POU. I yield to the gentleman from Georgia to ask a question of the gentleman from Wyoming.

Mr. BARTLETT. I am not going to ask the gentleman from Wyoming any more questions. He seems to be wound up perpetually on this question. I do not desire to ask any question, but I do not wish to assent to the proposition that all the duty devolves upon members of the committee to prepare bills and to give entire attention to them; but I say that a Member ought to give some little attention to the business of his district.

Mr. MONDELL. My friend from Georgia evidently does not understand the question at issue. No claim of any constituent of mine has been neglected. But the War Department submitted to Congress, in the form of an estimate, certain claims they had examined and the payment of which they recommended. In my opinion the committee should have examined and passed upon all such cases instead of examining and passing upon only such as some Member was particularly interested in.

Mr. POU. Mr. Chairman, I simply want to say in conclusion that I do not admit at all that the members of this committee are properly subject to the criticism made by the gentleman from Wyoming [Mr. MONDELL]. The committee have been diligently at work doing their best to sift out this large number of claims. I assure the gentleman that the claims which have not already been considered will be considered hereafter.

I yield 10 minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, when we had similar legislation before this House in the Sixty-first Congress I opposed the omnibus claims bill as reported from the Committee on Claims, and as a result of the opposition that developed in this House the bill was amended in many respects, and what we considered small and insignificant sums carried in the bill were in about 20 cases increased to \$5,000 each.

We all understand perfectly that this Committee on Claims is simply carrying out the law under what is known as the Government liability act. I had no hand or voice in the construction of that legislation, and in the Sixty-first Congress I fought, and will continue to fight to the limit as long as I am in Congress, such a bill as is now before us for consideration. This bill is unfair. It is unjust. It is a reflection upon the Government of the United States and it will be a discredit to any Congress that would pass it. In this bill, on page 4, we propose—

To pay \$420 to Annie T. Jackson, widow of Frank W. Jackson, who lost his life in the employ of the United States Government on board the steam tug *Cynthia*.

Is there a man in this House who believes in plain, simple, ordinary justice, who thinks he is rendering his district or country a service or doing himself credit, who will place that value upon a human life? Why, in this bill we propose to pay a church \$448.05 on account of damage to it growing out of target practice. And here is a widow, perhaps the mother of children, whose husband lost his life through no fault of his own, in the discharge of his duty as a Government employee, and we propose to compensate her for the loss of her only support by voting to her \$420. I would consider myself dishonored to vote such a sum of money to a widow.

Mr. POU. May I ask the gentleman a question?

Mr. AUSTIN. Yes.

Mr. POU. I will state to the gentleman that his criticism should properly be directed at a bill passed by his own party.

Mr. AUSTIN. I do not care who is responsible. I repudiate it and denounce it here and now. Justice is above politics, and fair play should appeal to the manhood of every Member of this House, regardless of his political affiliations.

On page 7 it is proposed—

To pay \$500 to Amanda Honert for loss of wearing apparel and other personal property by fire at the Cheyenne and Arapahoe school, at Caddo Springs, Okla.

Why, we pay an American citizen in this bill \$135 for the loss of a horse, on account of an accident growing out of target practice; and we pay the widow of a Government employee \$420 for the loss of a husband and father.

Mr. McKENZIE. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. McKENZIE. Upon what facts does the gentleman base his charge against the committee.

Mr. AUSTIN. In 10 minutes I can not go into full details. In the Sixty-first Congress I read the report that accompanies the omnibus claims bill, and it made my heart weary and sick at the sad stories told there in connection with numbers of these cases.

Mr. McKENZIE. Why does not the gentleman fix the earning capacity—

Mr. AUSTIN. Oh, it is not a question of earning capacity in settling the claim for a loss—the claim for the death of a Government employee who leaves a widow behind him.

Mr. BARTLETT. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. BARTLETT. Upon what basis would the gentleman fix the compensation?

Mr. AUSTIN. I would do justice like any 12 honest American jurors do when they go out of the court room to consider a similar case.

Mr. BARTLETT. Well, if the gentleman was on the jury, on what basis would he fix the compensation?

Mr. AUSTIN. If the gentleman from Georgia and I were on a Georgia jury and brought in \$420 for the loss of a husband and a father, the citizens of his district and my district would make it so hot for us that we would have to leave.

Mr. BARTLETT. But that does not answer my question. Upon what sort of a basis would the gentleman make his calculation?

Mr. AUSTIN. I would put in the bill at least \$5,000.

Mr. BARTLETT. But I am trying to get the gentleman's basis that he would make the estimate on.

Mr. AUSTIN. Would the gentleman from Georgia make one basis for a laboring man and a different basis for a lawyer?

Mr. BARTLETT. No. But all you have got to do in any case for the recovery for a death is to find out what a man's life is worth, what is his earning capacity.

Mr. AUSTIN. Does the gentleman think that \$420 is a sufficient compensation for the loss of a human life?

Mr. BARTLETT. I do not.

Mr. AUSTIN. Then vote against this bill.

Mr. BARTLETT. But this is made up in accordance with the law, to pay only his wages—

Mr. AUSTIN. Then shame and disgrace on such a law.

Mr. BARTLETT. But the gentleman voted for it.

Mr. AUSTIN. I did not, and I repudiate it. I will not vote to settle any of these bills, notwithstanding any law for any such sum, for it is an outrage and an injustice.

Mr. CANTRILL. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. CANTRILL. Let me make a suggestion. Will the gentleman state to the House some facts to bear out his extravagant charges against the committee, that they have acted with injustice and unfairness?

Mr. AUSTIN. I am not making any charges against the committee.

Mr. CANTRILL. Well, will the gentleman state some facts before he makes these charges or upon which he makes the charges, and perhaps the committee would be willing to overlook the serious criticism that he has made against members of the committee. Until the gentleman can state some salient facts, it seems to me that it is unfair and unjust to the membership of this committee to charge them with injustice and unfairness.

Mr. AUSTIN. Is the gentleman through with his question or his speech, whatever he calls it?

Mr. FRANCIS. Will the gentleman yield to me?

Mr. AUSTIN. I will.

Mr. FRANCIS. These amounts are allowed by virtue of the statute, are they not?

Mr. AUSTIN. I have referred to that.

Mr. FRANCIS. The gentleman knew that that was a basis for amounts allowed in the last Congress, and the gentleman has introduced no bill to change the law. Why did not the gentleman introduce a bill to change that law?

Mr. AUSTIN. Is the gentleman a member of the Committee on Claims?

Mr. FRANCIS. I am.

Mr. AUSTIN. What does the gentleman believe is a fair sum for the loss of a human life?

Mr. FRANCIS. I am talking about the present law as it is.

Mr. AUSTIN. But I want the gentleman's opinion on it. The gentleman declines to answer my question. Now, Mr. Chairman, take page 3 of this bill:

To pay \$1,500 to Charles T. Hanson for the loss of his right foot while in the employ of the War Department in the quartermaster's department at Boston, Mass.

Now, I have been interrupted a number of times by Members. Suppose one of these gentlemen who interrupted me lost his right foot through no fault of his while in the Government service, would he be willing to accept \$1,500 in payment? Would he believe that Congress had done the right and fair thing in the adjustment along such lines?

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. MICHAEL E. DRISCOLL. Is not \$1,500 just \$1,500 better than nothing?

Mr. AUSTIN. Oh, it is just as easy, and certainly more creditable to the gentleman from New York, to vote \$5,000 as it is \$1,500 in a case of this kind.

Mr. MICHAEL E. DRISCOLL. I know it is easy to be liberal with other people's money. It is easy to direct the Treasurer of the United States to pay \$5,000.

Mr. AUSTIN. Does the gentleman from New York tremble for fear of bankrupting the Treasury in order to increase the amount to be allowed a widow from \$420 to \$5,000?

Mr. MICHAEL E. DRISCOLL. Let me answer the gentleman's question. If Congress were composed of gentlemen as big hearted and as soft-hearted and as generous with other people's money as is the gentleman from Tennessee, in two years the Treasury would be wrecked and in five years there would not be a shred left of the Constitution. [Laughter.]

Mr. AUSTIN. I want to say to the gentleman from New York that I will be just as long as I am here. I am as liberal with my own money as I am with that of the National Treasury.

Mr. MICHAEL E. DRISCOLL. Then go and pay the claim. Make a donation to this poor widow. [Laughter.]

Mr. AUSTIN. The gentleman from New York will vote four or five million dollars for a battleship, and yet he trembles for the safety of the National Treasury when it comes to increasing an appropriation from \$1,500 to \$5,000 for the loss of an American citizen who leaves a widow and children.

Mr. GREEN of Iowa rose.

Mr. AUSTIN. I will yield to the gentleman.

Mr. MICHAEL E. DRISCOLL. I have heard the gentleman make that speech three or four times. He examines a bill, finds something of this kind, and then he swells out and talks to the people to make them believe that he is a generous man; and that may go with his constituents down in Tennessee, but when he talks about being just, this is \$1,500 better than justice—it is a gift of the Government. The Government was not required to pay it. If there was a valid claim, the party would have a right to go before the Court of Claims and get it there. The truth is, this is a donation. I used to settle cases in the New York Central Railroad many years ago. When I knew I could not get anything I would go to the chief counsel and he would say: "Well, DRISCOLL, what do you want in this case as a donation?"

Mr. GREEN of Iowa. Mr. Chairman, I make the point of order that the gentleman from Tennessee had yielded to me, and that I have the floor.

Mr. MICHAEL E. DRISCOLL. I did not know that the gentleman from Tennessee had yielded to the gentleman from Iowa.

Mr. AUSTIN. I did yield. A little later I will yield to the gentleman from New York.

Mr. GREEN of Iowa. I would like, if we may get right down to earth and not so far in the air, to ask the opinion of the gentleman from Tennessee if heretofore they have not amended these provisions for personal injuries entirely out of the bill, and the trouble has been to get anything whatever from the United States for these poor claimants? And did not the last Congress, when a similar claim was introduced here, pare it down to merely one year's wages? And did not the gentlemen argue at that time that they were very fortunate to get that, because most of these cases were entirely disallowed?

Mr. AUSTIN. Is that a question the gentleman is asking me or a speech the gentleman intends to make?

Mr. GREEN of Iowa. No; I will make my speech later in answer to the gentleman.

Mr. AUSTIN. This occurred in the last Congress. The Committee on Claims, in line with the Government liability act, brought in a bill almost identical with this bill. We made a fight on the floor. We had it amended and the amounts increased. It was sent to the Senate and the Senate cut out the amendment increasing these items and sent it back to the House of Representatives. The House of Representatives could not act upon it without unanimous consent, and in the closing hours, 3 o'clock in the morning, the chairman of the Committee on Claims asked unanimous consent to take that bill from the Speaker's table and have it acted upon, and I objected. The bill failed to pass the Congress, and many of the very items in that bill are carried in this bill and other omnibus bills now on the calendar. That is the history of it. And I am sure the gentleman from Connecticut [Mr. TILSON], who was a member of the Committee on Claims, will verify the statement I have just made in reference to the matter.

Mr. TILSON. I thought the gentleman was making a mistake at that time, and I think so yet. They got nothing as it was.

Mr. AUSTIN. No; but they have a chance now for this House to right that attempted wrong.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. AUSTIN. I could not say no to the gentleman from the Blue Grass State of Kentucky.

Mr. SHERLEY. Will the gentleman again exercise the prerogative of preventing the bill becoming a law and these people receiving something if they are not given what the gentleman thinks they ought to get?

Mr. AUSTIN. I will cross that bridge when I get to it, but in the meantime I will appeal to the fair sense of justice that is in the breast of every son of Kentucky to right this matter now; so I am appealing to the gentleman [Mr. SHERLEY] now that we pass a bill through the Congress that will not be a reflection upon our sense of justice and fairness.

Mr. SHERLEY. Does the gentleman want an answer?

Mr. AUSTIN. I am not asking it yet; I am still working on you. [Laughter.]

Mr. FOWLER. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. AUSTIN. My friend from Illinois and myself are such great admirers of the minority leader that I must yield to him. [Laughter.]

Mr. FOWLER. If the gentleman was on a jury and the plaintiff had sued for \$500 only, would the gentleman render a verdict to pay him more than the amount for which he sued?

Mr. AUSTIN. Do you think these people would not be glad to accept \$5,000 instead of \$420, and does not the gentleman know the reason that these claims that they have filed are in these small sums is because they know that the amount is fixed under the Government liability act at one year's wages?

Mr. FOWLER. I am in accord with the gentleman on this matter, but I want to ask the gentleman a plain question, if the gentleman would render a verdict larger than the amount claimed?

Mr. AUSTIN. Certainly I would, if the amount to which I thought the man was justly entitled was put at too low a figure.

Mr. BARTLETT. The court would not let you do that.

Mr. FOWLER. You could not do that; the verdict would be set aside. The gentleman is too good a lawyer to talk that way.

Mr. AUSTIN. I am more of a statesman than a lawyer, my friend. [Laughter and applause.]

Mr. FOWLER. Mr. Chairman, I want to say that the gentleman, in my opinion, is both a statesman and a lawyer.

Mr. AUSTIN. Well, after that compliment the gentleman can interrupt me the balance of the afternoon.

Mr. FOWLER. Now, if the gentleman were on the Committee on Claims and a bill was filed for a certain amount, would the gentleman go to the trouble of raising the amount stated in the bill for the relief of the claimant?

Mr. AUSTIN. What I want to do is to either recommit this bill to the Committee on Claims and let them bring in an increased amount or amend the bill on the floor of this House.

Mr. FOWLER. I suppose it will be open for amendment.

Mr. AUSTIN. Now let me call attention to a few more items in this bill.

Mr. BARTLETT. The gentleman has an hour; will he submit to an interruption?

Mr. AUSTIN. If I have been recognized in my own right; I have been very generous with my time.

Mr. BARTLETT. The gentleman certainly, if he entertains the views he does about this Government compensation for injured employees, is not going to vote for this employees' compensation bill at the rates they fixed in it, I hope.

Mr. AUSTIN. I have not had an opportunity to examine that bill, and never saw this bill until a few moments ago.

Mr. BARTLETT. I merely wanted to suggest how the gentleman stood upon that proposition.

Mr. AUSTIN. I will state to the gentleman—

Mr. BARTLETT. I do not doubt from the gentleman's views that the gentleman will never vote for that bill as it came from the Senate.

Mr. AUSTIN. And the gentleman and I know that juries all over the country are bringing in verdicts daily in the court-houses against private enterprises, manufacturing plants, and railroads, and does the gentleman know a single instance where a jury has fixed an insignificant sum of money for the loss of a limb or the loss of life?

Mr. SHERLEY. Will the gentleman from Georgia permit me to answer that question?

Mr. BARTLETT. The gentleman asked me the question, but I have no objection whatever to the gentleman from Kentucky answering it.

Mr. SHERLEY. I just suggest to the gentleman that I know of cases in which the jury have brought in a verdict not awarding anything.

Mr. AUSTIN. Yes; and that was where the proof was against the plaintiff.

Mr. SHERLEY. And now, if the gentleman will tell us something about facts in these cases instead of dealing with a lot of rhetoric, then possibly we can agree with him.

Mr. AUSTIN. Just take the facts contained in the committee's report.

Mr. SHERLEY. It is evident the gentleman has not had time to read them.

Mr. AUSTIN. I can not read them on the floor of this House with the constant interruptions which are taking my time.

Mr. SHERLEY. The gentleman said to this committee that he had not seen the bill until half an hour ago, and yet he undertakes to instruct the House concerning it.

Mr. AUSTIN. I will tell you what it is if you will keep quiet.

Mr. SHERLEY. I will if you will state the facts. I have heard nothing so far that has led me to think that I will hear them.

Mr. BARTLETT. Will the gentleman yield so I can answer him?

Mr. AUSTIN. Mr. Chairman, I am generous and kind-hearted and always like to yield to my friend from Georgia [Mr. BARTLETT], but he asks me for a part of my time to answer my speech.

Mr. BARTLETT. But the gentleman asked me a question. The gentleman has not made any speech yet. [Laughter.]

Mr. AUSTIN. Now, Mr. Chairman, when one of the critics of the gentleman from Georgia [Mr. BARTLETT] told me the other day that he was one of the most unappreciative Members of this House I denied it for him, and now the gentleman makes a confession of it on the floor of this House.

On page 3 we pay \$1,500 to the heirs of Charles E. Stump, who lost his life from injuries received while in the discharge of his duties on the Isthmus of Panama. That is another case.

On page 4 we pay \$438 to E. J. Older for injuries received to his left leg in the discharge of his duty in the improvement of the Mississippi River under the War Department. Now, there is an omnibus claims bill here, not under consideration, but similar to this, that I had a chance to look into yesterday. It is the bill H. R. 24121. They actually carry in that bill \$325 on page 4 to pay Patrick Feeny, the dependent father of James J. Feeny, of Brooklyn, N. Y., who died as a result of injuries received in the discharge of his duties at the Brooklyn Navy Yard, May 24, 1910.

Mr. POUL. Will the gentleman permit me to interrupt him right there? I will say to the gentleman that I had intended to introduce an amendment myself increasing that amount. He was a water boy, and he has died since the introduction of this bill.

Mr. AUSTIN. So the report shows, and his father, I believe, made an affidavit that he had paid out for medicines and doctors' bills, and so forth, an amount of more than \$300.

Now, the gentleman from Kentucky [Mr. CANTRELL] said something of my harsh criticism of the Committee on Claims. I want to arouse in this House on both sides a sentiment against the provisions of this existing Government liability law, which I think is unjust and unfair. And I ask this House to amend this bill.

It is no party question. I say it will be a credit to every man in this committee to reread this bill and change it and amend it. There is not a man here that, if assailed at home on this record, and it was understood clearly and fully by the voters of his district, I care not how strong and useful and influential he may be—there is not a man in the American Congress could fight that out as an issue before his people and win. You can not do it, gentlemen. The great majority of the people believe in justice. A great majority of the American people have kindly feelings and sympathies. It would not do to go into your district and say that you gave the widow of a laboring man \$420. It would not do; it would not be fair; it would not be just; it would not be equal and exact justice to all men. How great is our country and how boundless its resources and its wealth! It is not a little capitalized corporation. It is a world power. Our great progress and growth and development are the marvel and admiration of all mankind. Have you any man who is a taxpayer in your district that would object if you voted to increase this allowance to the widow? The gentleman has read me a lecture about economy in the great, prosperous city of Utica—

Mr. MICHAEL E. DRISCOLL. Not on your life—not in "pent-up Utica." I said Syracuse.

Mr. AUSTIN. Are there any of his constituents that would complain of him if he voted to increase an allowance for a widow with a whole lot of children?

Mr. MICHAEL E. DRISCOLL. Certainly not.

Mr. AUSTIN. As to that man who handled a shovel and a pick in building that great waterway that is going to be a monument to the greatness and grandeur of the Republic, his life was as dear to that wife and mother as the husband who is a skilled mechanic or a high-priced Government official in one of the departments. We owe it to ourselves and to the constituency that we represent to write justice on every page of this bill. These people are practically poor working people. When a workingman goes into a court and has 12 of his peers to administer justice under the laws, why can he not look with confident hope to the American Congress, made up of 400 men chosen from 90,000,000 people who believe in justice, to do right by the widow and right by the children. Is there not some place in the hearts of my colleagues for the suffering and for the tears of the widow and the children? God save the Republic if we have got to be cruel and unkind and unjust to these.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. AUSTIN. I will.

Mr. MICHAEL E. DRISCOLL. Does the gentleman say that he has always gotten a verdict before a jury for a plaintiff when he was the plaintiff's attorney?

Mr. AUSTIN. I do not know. I am appealing to you as a Member of this American Congress to forget to be stingy and miserly, and, for God's sake, stand for justice.

Mr. MICHAEL E. DRISCOLL. That kind of a speech ought to get a big verdict in any case.

Mr. MANN. Mr. Chairman, this bill is an omnibus claims bill, which was introduced by the gentleman from North Carolina, the chairman of the Committee on Claims, to carry out various recommendations which had been made or agreed to by the committee—made by subcommittees, I think, in the first instance—and carries a variety of claims.

It carries a lot of personal-injury claims, a lot of claims growing out of damages by gunfire and Army maneuvers, and a lot of claims of other classes. It never has been the practice in this House, at least not for many years, during the lifetime, I think, of any Member of Congress, and probably since long before that, to bring in omnibus log-rolling private-claim bills. I do not think it ought to become the practice of Congress.

Mr. POUL. Mr. Chairman, will the gentleman permit an interruption?

Mr. MANN. If the gentleman will allow me, I would prefer to go ahead for a few minutes.

Mr. POUL. I wanted to explain.

Mr. MANN. Let me explain first, and I do not think the gentleman will object. I do not believe that there is any objection to putting in a number of claims of the same class in the one bill as a matter of timesaving. I can see no reason why the Committee on claims should not, after it has agreed upon claims relating to personal injuries, direct the chairman to introduce a bill covering the claims of that class which the committee had agreed upon; nor why the committee should not have introduced an omnibus bill covering the class of claims covered by Army maneuvers, or target practice, or any other single class of claims, such as those arising out of damages caused by Government vessels. We have eliminated by general legislation many claims which used to come before the House. We have provided by different laws that cases arising out of damages by vessels, or admiralty cases, involving less than \$500, may be adjusted by the Department of Commerce and Labor as to lighthouse vessels, and by the War Department and the Navy Department in relation to war and Navy vessels.

The gentleman from Tennessee [Mr. AUSTIN] has called attention to several claims in this bill for personal injuries causing death. The Committee on Claims of the House, as now constituted, composes a membership which in the main has not been on that committee for many years, and I hope they will not consider that I am criticizing the committee members or the action of the committee itself in making a few suggestions, such as I have already made and such as I propose to make now.

Up to the last Congress it has been by common consent the policy of Congress not to pay for damages caused by personal injuries. You can trace the claims which have been allowed by Congress for generations past, and you will find very few claims which have been authorized to be paid by Congress growing out of torts of any kind, especially out of personal injuries.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Iowa?

Mr. MANN. Yes.

Mr. GREEN of Iowa. Did not Congress authorize the payment of \$300,000 on account of the collapse of Ford's Theater?

Mr. MANN. It did. I was just going to refer to that. That is an exceptional case. Congress has occasionally authorized the payment of these claims. That was a very exceptional case. Congress authorized the payment. But Congress has constantly and consistently refused to pay claims of that kind growing out of personal injuries.

Mr. GREEN of Iowa. Will the gentleman again yield?

Mr. MANN. Yes.

Mr. GREEN of Iowa. I will ask the gentleman if Congress did not make another exception and pay a man from Kansas \$10,000? I will give the gentleman the man's name if he desires it.

Mr. MANN. Oh, there have been a few cases, very few, that have slipped through in some way; but it has been the purpose and the policy of the Government not to pay such claims. Claims were not allowed. When I first came down here I had a case that would have torn the heart out of almost any man, and would have left no insides whatever in the gentleman from Tennessee [Mr. AUSTIN]. I introduced a bill on the subject and made inquiry and learned that the bill did not have as much chance as a snowflake in the lower regions. The case still stands. It is years old, though not so old as one of the claims which has been reported by the Committee on Claims, because they have reported one claim that is 30 or 40 years old, I believe; a personal injury case, but perhaps not included in this particular bill.

Now, that was the policy of Congress. It was not quite fair for Congress to take that position. I have always believed, and believe now, that Congress by law, by general legislation, not as a method of general favoritism, but applicable to all alike, ought to make some provision for those who are injured in the Government service. We did finally pass the Government compensation act, which provided for a limited liability in a limited class of cases, not to exceed a year's pay in hazardous occupations, naming the occupations.

Mr. MADDEN. Mr. Chairman, will my colleague yield for a question?

Mr. MANN. Certainly.

Mr. MADDEN. Did not the last Committee on Claims recommend some such policy as to that in relation to claims for personal injuries or deaths that might have occurred?

Mr. MANN. I will reach that in a moment. That general law we have recently extended, either by legislation already enacted or legislation agreed to, which is in conference, to cover the Forestry Service, to cover the Bureau of Mines and Mining, and some other branches of the Government. I introduced a bill in the House, and it was passed by the last House on the Panama Canal bill, and as a separate measure I introduced it in this House, authorizing the President to make rules and regulations for the payment of damages caused by personal injuries in connection with the work on the Canal Zone in the construction of the Panama Canal, because I believe that where the Government was undertaking work as a private individual or contractor it ought to assume the same liability. That has not yet become a law, and is not included in the present Panama Canal bill, but I hope it will be when that bill becomes a law.

Now, after we passed the first act, which was in 1908, providing for limited liability for certain hazardous employments under the Government, gentlemen on all sides in the House commenced to say, "Why, we have a case which occurred just before the law was passed. Now, you have provided a law under which from a certain date if a man is injured a man may receive this limited amount of damages, not to exceed a year's pay; but if he was injured 10 days before, he does not come within the provisions of the law, and we think it is fair to make the law apply to his case."

The Committee on Claims in the last House first brought in a number of private special bills in individual cases, and after they had given consideration to the subject they determined that cases of recent date, which would have been covered by the general law if they had occurred since the passage of the general law, would be taken care of by the Committee on Claims by a special bill.

Then they came in with an omnibus bill, containing a large number of these claims, and that bill came up for consideration in Committee of the Whole. The gentleman from Tennessee [Mr. AUSTIN] has a heart bigger than the Treasury of the United States, because if the Treasury were as large as the gentleman's heart it would not make any difference how much money you paid out of it, there would always be plenty left. The gentleman from Tennessee [Mr. AUSTIN] made his speech on the subject, and in a moment of temporary aberration of mind

the committee agreed to an amendment increasing one item from what the year's pay was to \$5,000, and in a period of some disorder in the Committee of the Whole the Chairman put, and there was agreed to, a request for unanimous consent to increase all of those items to \$5,000. I am usually fairly observing of what takes place in the House, but that got by me. The unanimous-consent agreement was made before I had time to object.

Mr. BUTLER. It was done pretty quickly, then.

Mr. MANN. A gentleman on the floor at that time had another bill coming up for a private claim for a personal injury, and he asked to have it inserted in the omnibus bill. I said to him, "You had better let it stay by itself, because your bill may become a law, while this omnibus bill will never become a law."

That omnibus bill went to the Senate as this bill will go. Those increases were all stricken out in the Senate, and a number of items were added in the Senate which, coming back to the House, required the reference of the bill to the Committee on Claims and its reconsideration in Committee of the Whole unless it was sent to conference by unanimous consent. My distinguished friend from Tennessee [Mr. AUSTIN] stood here and objected to sending it to conference by unanimous consent, because he wanted those people to have \$5,000 each, whereas in the bill they were only given from \$1,200 to \$1,500 each. It is true they have never yet gotten anything. It is true that most of them probably never will get anything; but my distinguished friend from Tennessee [Mr. AUSTIN] compliments himself because he has secured justice for those people in not allowing them to have anything. He took the position that unless he could give each one of them \$5,000 they should have nothing, and he secured his contention. They have got nothing and they probably never will get anything. Many of them have not been considered by the Committee on Claims at this session of Congress. Some of the claims will probably never be brought before Congress again.

Now, Mr. Chairman, this bill is not consistent. The gentleman from Tennessee [Mr. AUSTIN] has called attention to a case where \$420 is allowed to Annie T. Jackson, widow of Frank W. Jackson, who lost his life on board the steam tug *Cynthia*.

If this man had lost his life while working for a private corporation, his widow would have secured nothing. There is no pretense that there was any negligence on the part of the Government. The man lost his life by a boiler explosion. His pay was \$420 a year. There was no negligence on his part and no negligence on the part of the Government. His widow could not have secured a dollar, even if she had been permitted to bring a suit for personal injuries in the Court of Claims, because a suit of that sort must rest upon the negligence of the defendant.

The committee have reported in that case in favor of paying the widow one year's pay of the man. Of course, the amount is small; but we are met with the question, when we undertake to pay for these personal injuries, whether we will do it on a general rule applicable to all alike or whether we will do it through the impatient speech of some Member on the floor of the House.

Mr. KENDALL. Does the gentleman think any flat provision can be made in cases of that character? If the Government is to acknowledge its liability and make compensation to the estates of the deceased, ought not the age of the man, his earning capacity, his expectancy of life to be taken into account, as would be done by a jury in a civil case?

Mr. MANN. It is impossible to do that by bills passed here. The rule of the committee in the last Congress was that they would allow in these cases one year's pay; but, mind you, they have not limited this rule to those who might have secured compensation under the compensation act, because that is limited to hazardous occupations. This bill is replete with cases which would not have been covered by the general law, even if they had occurred since the general law was passed. Now, the gentleman from Tennessee [Mr. AUSTIN] having called attention to one case where the committee allow \$420 because that was the man's salary for one year, I shall call attention to a case where the committee allow \$5,000 for the death of a husband, although his salary was not to exceed \$900 a year.

Mr. KENDALL. Is that the Armour case?

Mr. MANN. Yes.

Mr. KENDALL. I was going to ask you about the inequalities in this bill.

Mr. MANN. Absolutely.

Mr. KENDALL. Has the committee, in recommending the amounts that should be paid in these individual cases, been restrained by any previous statute?

Mr. MANN. It has not. Of course, we have the power to pay a million dollars to one of these people if we choose to exercise the power.

Mr. KENDALL. I have been interested in the case of Charles E. Stump, who lost his life in the Panama Railway service.

Mr. MANN. Yes; and to whom they allow one year's pay.

Mr. KENDALL. He was a conductor?

Mr. MANN. Yes.

Mr. KENDALL. A rather high-grade employee.

Mr. MANN. That is a hazardous occupation.

Mr. KENDALL. He was engaged in a hazardous occupation.

Mr. MANN. That is covered by the general compensation act, but this injury occurred before that act was passed.

Mr. KENDALL. His heirs could not have secured anything under that act?

Mr. MANN. No; but the committee allow to his heirs what they would have secured if he had been killed after the compensation act went into force.

Mr. KENDALL. If he had been killed in 1910?

Mr. MANN. Yes.

Mr. WEEKS. From such knowledge as I have of the working of the Claims Committee, I think they have devoted a great deal of time to the investigation of individual claims. Does not the gentleman think consideration should be given to individual claims in this way—as to the number of children which were left by a man who was killed, as to the condition of the widow, whether she is able to earn a livelihood for herself and children, and all the other circumstances that would go with such a case?

Mr. MANN. I do not think those things should be given consideration, because when you come to legislate for special cases, personal injuries, it means that you depend upon the activity of the claimant, perhaps the beauty of the claimant, perhaps the activity of the Member of the House, and perhaps his susceptibility to beauty. [Laughter.]

Mr. WEEKS. My judgment is that the committee pays no attention to the activity of the Member of the House, but tries to pass on the merits of the case.

Mr. MANN. The gentleman from Massachusetts has been here long enough to know that the Committee on Claims does not take up all claims, as I shall show in a few moments, although they are on the same plane.

Mr. KENDALL. Will the gentleman yield?

Mr. MANN. Yes.

Mr. KENDALL. Ought not the committee in endeavoring to arrive at a just compensation to take into account the earning capacity of the deceased and his expectancy of life?

Mr. MANN. I do not think so.

Mr. KENDALL. I want to say that I do not quite agree with the gentleman from Massachusetts.

Mr. MANN. I say frankly to the House that I discussed this matter with some of the members of the Committee on Claims in the last Congress when the payment of the personal-injury claims first commenced. I have been more or less active in connection with claims in the House for a number of years. I said to the members of that committee that if they desired to examine and report in favor of personal-injury claims which would have been covered by the general law, or which perhaps were not in a hazardous occupation, but where the work itself happened to be hazardous, so that they ought to be covered by the general law, and would limit the compensation to the amount to be paid under the general law, I would endeavor to aid them in passing the bills in the House; but unless they adopted that rule I would endeavor to prevent these bills becoming a law.

I do not believe that a body like the House of Representatives or any other legislative body is fairly competent to determine upon the amount to be paid in special and individual cases. I am not willing to leave it to the chairman of some subcommittee, however honest, intelligent, and faithful he may be, and that is the practice followed. The Committee on Claims does not pass upon the merits of each claim by any means. We all know that it is referred to a subcommittee, and usually one member as a subcommittee, who examines the claim and does faithful service. The Committee on Claims has been doing good work; I have no complaint to make of that or of the committee. It is the system that I am talking about.

Now, I do not believe that the committee ought to pay \$5,000 to one widow for the loss of her husband's life; \$1,500 to the heirs of another one for the loss of the life of the man; \$1,248 for the loss of the life of another man payable to his widow; and \$420 payable to the widow for the loss of the life of her husband in another case, because the committee can not draw

the distinction; and I know it can not, and has not drawn the distinction.

The \$5,000 case is a particularly hard case, it may seem. We pay now by general law to the widow of the life-savers in the Life-Saving Service two years' pay. I think that law ought to be extended to the Lighthouse Service, but the life-saver who gets out in the boat on a dark and stormy night and loses his life, his widow gets two years' pay. Now, why should we pay \$5,000 to a lighthouse keeper's widow when he loses his life? There is no reason for making the distinction.

Mr. AUSTIN. What did we pay the widows of the postal clerks who lost their lives on the *Titanic*?

Mr. MANN. Two thousand dollars apiece. We pay in the Railway Mail Service \$2,000. A few years ago it was \$1,000, and it was on my motion in the House that it was increased.

Mr. AUSTIN. We voted the widows of the men who lost their lives on the steamship *Titanic* \$2,000 by unanimous vote.

Mr. MANN. It was put in by unanimous consent; there was no objection to it.

Mr. KENDALL. If the gentleman will allow me, it seems from the disparity of the sums allowed here that in these cases the committee has considered some special instances.

Mr. MANN. I beg the gentleman's pardon, that is because they came from different subcommittees.

Mr. LEVY. The gentleman states that the widows of lighthouse keepers get \$2,000. I want to say that the subcommittee that examined these matters reported it to the whole Claims Committee and they had something to say on it and changed it in some particulars.

Mr. MANN. I said that the life-savers receive two years' pay; not the lighthouse keepers.

Mr. KENDALL. Is it not a fact, I ask the gentleman from Illinois, that some compensation ought to be made in cases of this character, irrespective of the age of the deceased or the amount of money he was able to earn in his lifetime?

Mr. MANN. It is my view that we ought to follow the provisions of the general compensation act as long as that act is what it is, to allow one year's pay regardless of age.

Mr. KENDALL. And the earning capacity?

Mr. MANN. That takes into account the earning capacity; that is what it is based upon.

Now, Mr. Chairman, there are two claims in this bill to which I shall call attention for a moment. One is on page 4, to pay \$5,000 to C. H. Ingraham for damages to his property at Fort Baldwin, Me., by heavy gun firing.

The other is:

To pay \$448.05 to the Methodist Episcopal Church at Hull, Mass., for damage to its church building and parsonage by heavy gun firing at Fort Revere, Mass.

I think both of these claims ought to be paid. That matter came up in the House some years ago, after some maneuvers had been held in Kentucky, and there had been a lot of small damages accrued by breaking down crops, tearing down fences, and in other ways, and we inserted on the floor of the House, either on a claims bill or on the Army appropriation bill, the payment to cover those cases. I think we have recently provided by general law for the allowance of claims of that sort. Now here are two claims put in this bill.

They are based upon a report from the War Department. The report of the War Department is found on page 45 of the report and again on page 94 of the report. The War Department made an estimate as follows:

For settlement of claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands that have arisen previous to August 1, 1910 (act of May 30, 1908, vol. 35, p. 280, sec. 1), \$22,802.40.

NOTE.—The stated amount of \$22,802.40 is asked for in order to render practicable the settlement of 183 claims now on file in this office and presented previous to August 1, 1910.

These claims embrace damages due to heavy-gun firing, and during target practice, damages to fences and growing crops and to trees by troops while engaged in maneuvers, etc. Of the amount now estimated for, more than one-half is attributable to heavy-gun firing at Forts Hamilton, N. Y.; Heath, Mass.; Levett, Me.; Banks, Mass.; Wadsworth, N. Y.; Revere, Mass.; Moultrie, S. C.; Winthrop, Mass.; and Miley, Cal. Estimates of appropriation covering 153 of these claims and aggregating \$19,053.14 were submitted to Congress at its last session, as shown by House Documents Nos. 177, 519, 689, and 897. Sixty-first Congress, second session, but they failed to receive favorable consideration.

Then there is another estimate:

For payment of claims for damages to and loss of private property incident to the training, practice, and operations of the Army that may accrue from time to time, to be immediately available and to remain available until expended: *Provided*, That settlement of such claims shall be made by the Auditor for the War Department, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages (submitted), \$5,000.

Mr. AUSTIN. How does the department reach a conclusion as to the value of the property?

Mr. MANN. The department in all of these cases appointed a board.

Mr. AUSTIN. Why did not they give the losers of this property one year's rent like it is proposed to give these other people one year's salary?

Mr. POU. Will the gentleman permit me to interrupt him?

Mr. MANN. Certainly.

Mr. POU. I will say to the gentleman that there are now 221 of these cases carrying \$32,000, and that the committee have just been able to get the complete list of them within the last week.

Mr. MANN. Well, Mr. Chairman, when the gentleman says the committee has not been able to get a complete list until within the last week I will say that some of these claims were submitted to Congress more than a year ago and anyone could get a complete list any day by inquiry.

I understand the claim of the Committee on Claims is—I am not criticizing the committee, yet I think that where claims come in and are all included in a class, all of equal merit, all found in the same way to be good claims, that that committee, instead of paying a claim which some Member of Congress is exceedingly active about and it has its attention called to two claims, ought to have reported in a bill covering all the claims. Does anyone deny that? Here are 2 claims out of more than 200, all standing upon the same footing. It is preposterous to suppose that a man who has been damaged in his crops to the extent of \$5 or \$500 shall be required first to make proof of his claim to the War Department and have his claim allowed by the War Department and then be required to chase up a Member of Congress, who in turn shall chase up and hang upon the heels of the Committee on Claims in order to have his claim allowed. Now, I am not saying this for the purpose of criticizing the Committee on Claims. I hope the gentlemen now on that committee will not misunderstand me about that. I am only suggesting a revision of the practice which has been followed for years in this class of cases.

Mr. FOWLER. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. FOWLER. On the same principle the gentleman would not have the Invalid Pensions Committee pass at this session on every bill for the old soldier who was in need of assistance?

Mr. MANN. On the same principle that I have enunciated we passed yesterday a conference report for a general increase of pensions, and not one specially applicable to each case. We provided for a general increase of pensions.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FOWLER. One other question.

The CHAIRMAN. To whom does the gentleman yield?

Mr. MANN. To my colleague.

Mr. FOWLER. Are not there thousands of private pension bills now pending before the Committee on Invalid Pensions which have not been acted upon and can not be acted upon because of the great amount of work that would be required in order to get at the bottom of them and determine the merits of each?

Mr. MANN. Well, I had not supposed that was the case. I supposed the Committee on Invalid Pensions was equipped with sufficient force to examine all the claims that were presented to it.

Mr. GREEN of Iowa. I would like to inquire—while the gentleman has insisted all the time he is not criticizing the work of the Committee on Claims, still it seems to me he has criticized every step the committee has taken—why the gentleman has not at some time here introduced some general bill that would cover this class of cases to which he has referred, the same as a general pension bill? Why has not the gentleman introduced such a bill?

Mr. MANN. I say we have enacted legislation for the purpose of covering these cases—not past cases, but future cases.

Mr. GREEN of Iowa. Not this class—

Mr. MANN. I was not aware of that; I suppose it will cover them in the future.

Mr. GREEN of Iowa. Not the class covered by this bill.

Mr. MANN. Personal-injury cases in the future? We passed a law covering those, but there is no law we can pass that will cover all the cases that might appeal to my friend from Iowa that I know of.

Mr. GREEN of Iowa. Personal-injury cases arising in the future will be covered by the law on the statute books.

Mr. MANN. It would in most cases, although we have one case in this bill that has occurred since this law went into effect.

Mr. GREEN of Iowa. Not those that are within the provisions of that bill.

Mr. MANN. That was within the provisions of the bill.

Mr. GREEN of Iowa. It occurred prior to the enactment of the law.

Mr. MANN. No; it occurred since.

Mr. GARNER. Is this a good bill?

Mr. MANN. I apprehend what will happen to this bill will be that my distinguished friend from Tennessee [Mr. AUSTIN] will after a while move to increase an amount over the year's compensation, which will either be defeated or carried. If it is defeated, he will make a point of no quorum, and if it carries, I probably will.

Mr. BUTLER. That is a nice way to do justice.

Mr. POU. I wish to say just a word in explanation of certain things about which the gentleman from Illinois [Mr. MANN] has spoken.

Mr. GARNER. Will the gentleman yield just for a question of a general nature?

Mr. POU. Yes.

Mr. GARNER. In view of the statement of the gentleman from Illinois [Mr. MANN] that most likely a certain amendment would be offered to the bill by the gentleman from Tennessee [Mr. AUSTIN], and if he failed to carry his amendment he would make the point of no quorum, but if he succeeded in carrying the amendment in the Committee of the Whole the gentleman from Illinois [Mr. MANN] would make a point of no quorum, does the gentleman think there will be much business this afternoon?

Mr. POU. So far as I can, I am going to exercise our best efforts to put this bill through, because I think it is a just one.

Mr. GARNER. It is evident to the gentleman that there is not a quorum here or will not be a quorum here at the time he will ask for the passage of the bill. My inquiry is if you are going to insist that a quorum be brought in on Saturday afternoon? The baseball game has not yet started. It is now 20 minutes after 2 o'clock.

Mr. MADDEN. I wish to suggest that if the point of no quorum is going to be made, it be made before the baseball game begins.

Mr. POU. I hope no gentleman will object. Both sides are interested in this bill. I want to state the rule the committee followed in including items in this bill. There is no item included where there was any objection to it by any Member.

Mr. AUSTIN. I will say to the gentleman from North Carolina [Mr. POU] that if he will agree to \$5,000 for every loss of life I will not raise the point of no quorum.

Mr. BUTLER. Well, the gentleman from Illinois [Mr. MANN] will raise it then.

Mr. POU. Mr. Chairman, I want to state to the committee how it was that these personal-injury claims were called to the attention of the Committee on Claims. It was first upon the initiative of the Secretary of War. He sent for me, and I had a consultation with him. He presented quite a number of claims of persons who were injured in the digging of the Panama Canal, some of them injured two or three weeks before this act of 1908 went into effect. The Secretary was most emphatic in his opinion that those claims ought to be paid. The committee had not even considered the matter up to that time. In pursuance of my conference with him I called the attention of the committee to these claims. We can not pay claims for persons engaged in the digging of the Panama Canal and refuse to pay claims to persons injured in the Government service somewhere else. And so it was we tried to treat everybody as fairly as we could under all the difficulties that surrounded us. There is nobody who knows better than the lawyers on this committee that it was almost impossible to follow any ironclad rule in the payment of these claims.

Let me give an illustration. There is a man whose claim is included in this bill, or in the second bill, who was receiving \$1.04 a day in a shell factory. A shell exploded without any negligence on his part whatever. The man was some distance away, attending to his duties. What happened to him? Both eyes were put out, his spine injured, and the man's hearing in both ears is almost gone. Moreover, he is badly disfigured. Does anybody think that man, if you pay him anything at all, ought to receive \$1.04 a day for 365 days?

Mr. AUSTIN. That is all he would be entitled to under the—

Mr. POU. Of course, that is all he would be entitled to if we had not departed from the rule set forth in the act of May 30, 1908. So we decided to pay this man \$5,000.

Mr. AUSTIN. You ought to pay it to him.

Mr. POU. We felt that, sitting for the remainder of his days in darkness, maimed for life, helpless, and poor, the committee

ought not to be forced to follow the rule laid down in this act and pay this man only \$365. Why, his doctors' bills amounted to more than that. And I am here to-day to take the position that the Government ought to pay every one of these men that were injured without any fault on his part. [Applause.] We are passing personal liability acts; we are passing all sorts of acts making the public-service corporations in this country liable in case of injury; and I stand with President Roosevelt when he took the position that everybody who was injured, even if it was an accident only, ought to be allowed some compensation. I do not approve of the doctrine that the workingman ought only to be paid in cases where there is negligence on the part of the defendant. In the case of a pure accident, I say the workingman ought to be paid. So it was the committee in its efforts to do justice by these people decided in all these cases where it appeared there was no negligence on the part of the employee, that we would allow him remuneration. In many cases it is but a pittance. And there are not many more of these claims, so far as I can ascertain. We have taken about \$75,000 and distributed it among some 40 or 50 people. I firmly believe that no Member who votes for the appropriation of this money will ever feel any regret for his action hereafter, because all these cases are meritorious—every one of them. I think in almost every case every member of the committee voted for them. I am glad to say there is no politics in our committee room. We leave politics on the outside. Every member of the committee has done his utmost. I pay tribute to the gentlemen of the minority of the committee when I say they have been very diligent in their efforts to sift these claims and do what is just and right.

Now, just one other matter, and then I shall conclude. The gentleman from Illinois [Mr. MANN] has had something to say with respect to these claims for heavy-gun fire. Now, I will state to the committee that we knew nothing about these claims when we first took up this work. We found some five or six bills of that character. This estimate had been submitted to the Committee on Appropriations or the Committee on Military Affairs, and the Secretary of the Treasury wrote to the Speaker of the House some two weeks ago and requested that these claims be taken from the Committee on Military Affairs and sent to the Committee on Claims. Now, just about that time, after this bill was already made up, we had knowledge that there were two hundred and twenty and odd of these claims.

Mr. MANN. Does the gentleman yield for a question?

Mr. POU. Yes.

Mr. MANN. Did the gentleman not have knowledge at the time when he printed it twice in the report on this bill? Did he not have knowledge then of those claims?

Mr. POU. In the report on this bill?

Mr. MANN. The report on this bill. That estimate is printed twice in the report on this bill, on pages 45 and following.

Mr. POU. About the time of the printing of the report we got information that these two hundred and twenty and odd claims had been referred to our committee.

Mr. MANN. Yes; but whoever had charge of these claims got that statement from the department. They must have had knowledge of it.

Mr. POU. I stated that we got notice from the War Department about April 18, about two weeks ago. Now, as I said before—

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield for a question?

Mr. POU. Yes.

Mr. GREEN of Iowa. The other bills were not before our committee at that time. I understand they were not.

Mr. POU. Which bills?

Mr. GREEN of Iowa. These bills for the two or three.

Mr. POU. No; they were not before our committee at all.

Mr. MANN. There is no bill on the subject. There is an estimate and statement from the War Department.

Mr. POU. That is true.

Mr. MANN. It is printed in this report twice.

Mr. POU. I say, if we had been put in full possession of all the facts as we are now we would not have inserted these two or three items in this bill. We have referred the entire matter to one of the subcommittees, and that subcommittee is hard at work upon the subject now. I can not undertake to say what that subcommittee is going to do, but I imagine that a bill will be reported out, and that all these items will be included in it, and that the House will have an opportunity to pass it if we get another day.

Now, Mr. Chairman, with this explanation, I have nothing more to say.

Mr. GREEN of Iowa. Mr. Chairman, I wish to say just a few words in the hope of being able to make clear how unjust-

liable some of the criticisms are upon this bill. Even the gentleman from Illinois [Mr. MANN], unless he has at some time served upon the Committee on Claims, has no conception of the difficulties under which the Committee on Claims labors, notwithstanding all of his knowledge of the affairs of this House, and I wish now to pay him the tribute of saying that I believe no one else has so full and complete knowledge of the workings of the Government and of matters before the House as he has. The committee is compelled, Mr. Chairman, literally to make bricks without straw. The committee is supposed to undertake, and does undertake and endeavor to the best of its ability, to render compensation to parties who have just claims against this Government; and yet in nearly every case it is without adequate and complete information, in order that we might do justice to the cases.

Mr. AUSTIN. What does the gentleman think about a proposition to send all these cases to the Court of Claims?

Mr. GREEN of Iowa. I would welcome some kind of a proposition, I will say to the gentleman from Tennessee—some kind of a bill whereby there can be a proper hearing upon these matters and these parties accorded adequate compensation. But, inevitably, when this committee comes to the House it is charged, as now by the gentleman from Tennessee, with being hard-hearted. The committee is convinced that in many cases we have come far short of doing full justice and giving these claimants what they ought to have. In fact that is probably true in almost every case. And then we are met with a charge from the gentleman from Illinois [Mr. MANN] that we have not imposed a hard-and-fast rule, a rule which, as stated by him, and which I wish to state to this House, would do injustice in nearly every case.

The rule that the gentleman from Illinois [Mr. MANN] wants to have this committee enforce is this, that if a man is injured in his big toe and can not work for a year he shall receive a year's salary. If he receives some injury by which he lies languishing in bed for months and months, racked with pain in every part of his body, he would receive a year's salary.

Mr. MANN. If the man's brains were in his big toe, that might be true; but that is not considered in my proposition.

Mr. GREEN of Iowa. The gentleman's remark is more sarcastic than accurate.

Mr. MANN. That is in conformity with the gentleman's remark.

Mr. GREEN of Iowa. I have stated to the House just what the gentleman from Illinois was contending for. The statute passed by the House, to which the gentleman wishes the committee to conform, makes exactly that kind of a provision—that if a man is injured so that he can not work for a year through the loss of a finger or a toe, or whatever it may be, he gets a year's salary. If he is injured so as to lose a leg or an arm or both eyes, he gets a year's salary. If his death is caused, his heirs get a year's salary.

That is just exactly what the law is at present with reference to the parties injured in hazardous employment under the Panama Canal Commission, and it is the rule for which the gentleman from Illinois contends.

Mr. KENDALL. That is not the rule that this committee observed, though, is it?

Mr. GREEN of Iowa. The committee have not observed that entirely. The committee have thought they ought not to observe any rule that was so reeking with injustice as this rule is; and I hope the gentleman from Tennessee [Mr. AUSTIN], with his large heart, will stand by the committee in this respect.

Mr. AUSTIN. I believe in this bill you allow \$1,900 to a Missouri man who lost his right hand.

Mr. GREEN of Iowa. No; I think not.

Mr. BORLAND. That is not the same bill. Now, I want to say to the gentleman about that that Mr. Cole had his hand taken off down there at work on the Panama Canal. We asked for \$5,000 for that. He was a skillful workman and lost his hand. Yet I agree with the gentleman from Illinois [Mr. MANN] that it is better to give these people immediate relief if we can, because that man is suffering for his money, and I am not here to ask \$5,000 for him and refuse to take \$2,000, when I know by a telegram from him to-day that he needs the \$2,000.

Mr. AUSTIN. Does not the gentleman think he ought to join with me now and try to get \$5,000 for him?

Mr. BORLAND. But the man is in need of immediate relief, and because of that fact I am willing to take the amount which they have recommended.

Mr. AUSTIN. I ask the gentleman not to surrender when the fight has just commenced.

Mr. GREEN of Iowa. The committee have sought, in some very exceptional cases, to make a deviation from this rule.

Mr. BORLAND. As the gentleman from Iowa [Mr. GREEN] suggests, if this man had been hurt after the law relating to the Panama Canal was passed, he would have received a year's pay, and it is proposed now to give him what the law would have given him, and he is willing to take that.

Mr. KENDALL. That ought not to control the committee in awarding a larger measure of damages in these other cases.

Mr. BORLAND. Oh, no. He did not come under the general law, because his case happened before that, and for the sake of getting immediate relief I am willing to see him get what the committee have reported.

Mr. GREEN of Iowa. I want to call attention to the Armour case, which has been criticized by the gentleman from Illinois [Mr. MANN] as showing inconsistency in this report. Here are the circumstances in that case. Mr. Armour was keeper of a lighthouse. Some person was detained at the lighthouse during a storm, and he thought it necessary to take that man to the shore. He took the man to the shore, and after he got there he discovered that the storm had increased. The waves were rolling mountain high, and yet he believed that it was his duty to get back to that lighthouse. He feared that his wife, who was alone there, would not be able to keep the light going, and that the mariners at sea who were relying on that light in their endeavors to make the port would eventually find their way upon the rocks instead of into the harbor. So this man took his life in his hands in the performance of his duty, with a bravery equal to that of a soldier leading to the charge a forlorn hope, and started back in the attempt to return to that lighthouse. He failed to reach the lighthouse and lost his life.

At one time when this bill was before our committee I objected, but I have since thought that this furnishes an exceptional case, and I will say, also, that widow to whom this money will go kept that light going. I will ask the gentleman from New York [Mr. LEVY] to state how long.

Mr. LEVY. She herself kept it going all night—attended to the light all night herself.

Mr. GREEN of Iowa. It was for a longer time than that.

Mr. LEVY. Until they came to her relief.

Mr. BUTLER. Has not she a claim pending somewhere?

Mr. LEVY. Oh, no.

Mr. KENDALL. The gentleman does not claim that the fact which he has stated ought to increase the amount of her claim? Mr. LEVY. It was most difficult to keep the light burning.

Mr. POU. With the gentleman's permission, I will state that this lady was there for several nights absolutely alone. That fact can only be taken into consideration by way of showing that she is worthy to receive this money.

Mr. AUSTIN. Was she made her husband's successor?

Mr. GREEN of Iowa. No; I think not. I do not think she could properly attend to the light.

Mr. AUSTIN. I think the committee did the proper thing in that case. Does the gentleman think the committee did the just thing in the case of Annie T. Jackson, whose husband was fireman on a Government tug? On account of a defect in the boiler there was an explosion, and he lost his life. She made a claim for \$15,000, and the committee report \$420. That will be found on page 41 of the report. Is it fair and just to give \$5,000 to the lighthouse keeper's widow and only \$420 to the fireman's wife?

Mr. GREEN of Iowa. This amount of \$5,000 was awarded as a reward for the heroism and example displayed by that lighthouse keeper in his endeavor to do his duty. It was something more than a mere claim for damages that the committee were passing on at that time.

Mr. RUCKER of Colorado. The gentleman will not overlook the fact that the lighthouse keeper went ashore to take one of the employees who had gone to fix the light while on an inspection tour and was returning to the shore in the performance of his duty.

Mr. GREEN of Iowa. I am glad the gentleman spoke of that. Now, it is true that there are probably very few of these cases in which we have awarded as much as the claimants ought to have.

Mr. AUSTIN. This fireman was in danger every day. He was doing a hazardous work in firing the boiler where he was.

Mr. KENDALL. Do I understand my colleague to say that in one case—the lighthouse keeper who lost his life—the committee made an award of \$5,000, and in another case, as appears on page 4, where the keeper lost his life in an arduous occupation, the committee only recommends \$420?

Mr. GREEN of Iowa. That is a statement entirely disconnected with the facts surrounding the claims.

Mr. KENDALL. I want to say that if the Committee on Claims is recommending propositions like this that I have sug-

gested, where they make such vast discriminations and discrepancies in reimbursement, they are doing more to establish a flat rate, as claimed by the gentleman from Illinois, than anything I can think of.

Mr. GREEN of Iowa. In answer to what the gentleman says, if the House thinks acts of heroism that set a worthy example to every American ought to be passed over, I have nothing to say. I anticipated the argument made by my colleague and the argument that is made by the gentleman from Illinois. Let them make them if they see fit; I do not think it ought to be the rule. I confess it appealed to me when the matter was discussed before the full committee.

Mr. KENDALL. I want the gentleman to understand that I am not complaining of the amount that has been allowed the lighthouse keeper's widow. It is not excessive. My complaint is of the amount allowed to the employee of the tug—that it is grossly inadequate.

Mr. GREEN of Iowa. I will say this in regard to that particular item: I happened to be absent when the Annie Jackson case was taken up. I think it is one of the few cases that was considered when I was absent. I did not go into that particular claim, and I can not explain it. I presume that some member of the committee can tell exactly why that was put at that amount.

Mr. DICKINSON. Mr. Chairman, if the gentleman from Iowa will allow me, I will say that in the case of Annie Jackson that was one of the early cases reported by the committee. At that time, as I recollect, the committee was endeavoring to follow the rule as laid down in the Government compensation act, which provided for one year's pay, and the report was made in favor of Annie Jackson in pursuance of that rule.

Afterwards, later on, the case of the lighthouse keeper came up, and then the amount recommended, if I am correct, was increased by the action of the committee, thereby making a clear departure from the conduct of the committee as it started out, endeavoring to allow only one year's pay in accordance with the Government's compensation act.

I will say further in regard to that that after this large amount was allowed I stated myself to the author of the bill—the Annie Jackson case having been reported—that if he would, when it came into the House, offer an amendment, the committee would be glad to respond to an increase in the amount. But several of the cases that were reported in the first instance were by reason of the fact that they started in to allow one year's pay in accordance with the Government's compensation act. That is how the Annie Jackson case came to be reported for a much lower sum.

Mr. GREEN of Iowa. The gentleman is aware that the committee never intended in any case to award anything more than that except in exceptional cases.

Mr. DICKINSON. I will say that in the lighthouse keeper's case it was acted upon subsequently and was deemed an exceptional case, and the report of the subcommittee was increased by the action of the general committee and demurred to in part by some of the individual members of the committee.

As far as I recall, in starting out the committee was practically a unit in pursuing the rule of allowing only one year's pay, following the law in the compensation act, and they afterwards departed from it when extreme cases came up. Very quickly after that the discrepancy between the lighthouse keeper's case and the Annie Jackson case was seen and noticed, but the Annie Jackson case had already been reported and was not changed, and so it is here before the House.

As far as I am concerned, I have been very much interested in the criticism by the gentleman from Tennessee, criticism going to the acts of this committee no more than it goes to the action of the committee two years ago, when the omnibus bill was first reported; when in the House, as I understand from the history of it, the amounts were increased and then the bill failed.

The bill comes from the committee in the same condition that the bill did two years ago, and it is here subject to amendment by the House if it sees fit to amend it; but it is a question for its consideration whether the present committee should have in the consideration of these bills responded to the thought of the gentleman from Tennessee and reported large sums instead of the amounts that they have reported.

Now, responding to the suggestion made by the gentleman from Iowa, I will not now interrupt the gentleman longer, but will continue my remarks in my own time.

Mr. GREEN of Iowa. Mr. Chairman, a few words as to the difficulties under which the committee labors. We had our choice to accept the ironclad rule which the gentleman from Illinois thinks ought to be followed by the committee, and we were confronted on the other side by the fact that a large

number of persons injured since the passage of the bill would only get a certain amount in any event, and we did not wish to award parties more in cases occurring before the passage of the act than they would receive under the passage of the act.

And then, beyond and above all that, we had no facilities for taking evidence and making complete hearings in order that we could ascertain as to what amount we thought ought to be paid to the respective claimants.

Mr. COOPER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. COOPER. Does the Committee on Claims intend to report any other bill at the present session?

Mr. GREEN of Iowa. Perhaps the Chairman can better answer that than I.

Mr. DICKINSON. If the gentleman will allow, the committee is still at work. It has reported a second omnibus bill, and it will have a meeting on next Monday, and it is the intention of the committee to continue to report bills.

Mr. GREEN of Iowa. Mr. Chairman, what we ought to have, and what these gentlemen who criticize the committee ought to do, is to have a bill brought forward that would enable proper hearings to be had on these cases in order that persons who are injured might be compensated in the proper manner.

Mr. BUTLER. Will the gentleman permit me to suggest that he ought not to be sensitive? There are two things in this country I would not do—one is to work for my Government and the other is to serve on that committee. I had an experience once on it, and that leads me to suggest to the gentleman that he ought not to be too sensitive. It is the hardest place to serve in I ever occupied. [Applause.] I never was able to please anybody after two years of hard labor, and I suggest to the gentleman that he ought not to be sensitive. I think the committee have done their work the best they could.

Mr. GREEN of Iowa. I am very much obliged to the gentleman for his statement of the situation, but I believe I have carried a smile here as much as most gentlemen have during this discussion.

Mr. AUSTIN. May I ask the gentleman a question before he takes his seat? On page 4 of this bill—

Mr. GREEN of Iowa. Which bill?

Mr. AUSTIN. Twenty-three thousand four hundred and fifty-one, top of page 4, the committee recommends \$1,500 to Hartman for the loss of his left arm, \$438 to Older for injury to his left leg, \$420 to Annie Jackson for the loss of her husband, and the next item is to pay \$5,000 to Ingraham for damages to his property at Fort Baldwin, Me., by heavy-gun firing. Take these three items right along the line of fairness and justice, \$1,500 for the loss of an arm, \$438 for an injury to a leg, and \$420 for the loss of a life.

Mr. GREEN of Iowa. I will refer my genial friend from Tennessee to the gentleman from Illinois [Mr. MANN], who has laid down the rule which justifies these allowances and has contended for it here.

Mr. KENDALL. I will ask the gentleman if the allowance to which the gentleman from Tennessee has referred represents one year's salary for the claimant?

Mr. GREEN of Iowa. They do, as I now remember.

Mr. AUSTIN. Then you give a man who has lost a finger in the way of a year's salary what you do to a widow who lost a husband's life. One is killed and the other injured, and the pay is the same.

Mr. KENDALL. You might put it as an extreme illustration that the committee recommended \$1,500 for the loss of an arm and only \$420 for the loss of a life.

Mr. ESCH. If the gentleman will permit me, I simply wish to suggest in regard to the Older claim that his injury occurred in April, 1907, and the claimant is still incapable of doing work.

Mr. GREEN of Iowa. Mr. Chairman, there is just one other matter I wish to mention before I am through. There are a large number of circumstances connected with these different claims, which we took into consideration, which have not been and can not be set forth to the House in detail, which influenced the committee in their findings.

Mr. MANN. They ought to be in the report.

Mr. DICKINSON. Mr. Chairman, just a word so as to state my views about this question. I want to say I am inclined to be largely in accord with the views as expressed by the gentleman from Illinois, and while I feel that the committee is not subject to any special criticism, as far as I am concerned I am not objecting. These are amounts to be paid by the Government for claims against the Government, and I think, in any consideration of these claims, that the committee was justified in following the rule laid down in the compensation act and that I was opposed, as a rule, to granting large sums of money. But while we take up one claim at a time, the committee would

not be absolutely consistent and no two claims bearing comparatively the same merit would be reported for the same amount, as a rule. Some peculiar circumstances might come up that would tend to enlarge the claim at one time, or it might come from a different committee. What has been said in this general debate here on this omnibus bill has not been lost upon the House and, as I am informed, it is the same kind of a debate which took place two years ago, and the criticism does not go so much to the action of that committee, whether it be this committee or the committee two years ago, as it does go against the law; and upon that question Members of this House may have different views. We had the deliberate judgment of the House that passed the act of 1908 that they should be allowed one year's pay if presented within one year after the injury. If they did not present it within that time, the limitation had run; then those whose claims came up afterwards stood in a much better attitude toward the laws than the claims of those who came within the limitations held by the law. But I think the committee was more justified in following that rule than they were in following the idea of allowing large amounts, such amounts as would be obtained in similar cases in a court for damages against a corporation.

Mr. AUSTIN. Will the gentleman allow me to ask him a question? Can the gentleman tell the committee whether by this workmen's compensation bill that has passed the Senate if we are not fixing the amount there in excess of the amount that is in the law governing the Government's liability?

Mr. DICKINSON. The gentleman means the recent bill?

Mr. AUSTIN. The recent bill which passed the Senate and is now here in the House. Now, Congress is attempting by legislation to force the railroad companies and all other corporations to pay their employees a larger sum of money for the loss of a limb or life than is fixed in what is known as the Government liability act?

Mr. DICKINSON. I want to say that is my understanding, but I have not examined the bill as it passed the Senate yet. I may be in accord with the gentleman from Tennessee with the idea the Government ought to pass a more liberal law, but it has not done it up to this time, and the committee in supporting and passing upon these claims was simply following the law as laid down and the rule as laid down in the law.

Mr. KENDALL. I was about to suggest to the gentleman the committee has not always observed that rule in the preparation of this bill.

Mr. DICKINSON. That is what I said.

Mr. KENDALL. I will say to the gentleman from Missouri, who, I am sure, is familiar with all the facts in regard to the items of this bill, that they are not all presented under that rule, and I suppose the Armour item, on page 2, line 13, is one of them, the \$5,000 allowance.

Mr. DICKINSON. I think the committee very shortly got away from that rule and, examining the particular facts in each case, they often responded to the peculiar facts in each case, and made reports in larger amounts.

Mr. KENDALL. But presentments appear in the same bill from the committee.

Mr. DICKINSON. I understand; but they all came in separate bills in the first instance, and then in separate reports from the subcommittees, and this is a grouping of the bills passed upon by the general committee after they had been reported by the several committees. And they were not reported by any one committee, nor were all of them considered at any one time.

Mr. TILSON. Is it not a fact that these cases that have been placed in this bill at a higher rate than the others are particularly hard cases?

Mr. KENDALL. That is, in the judgment of the subcommittee.

Mr. DICKINSON. That was the thought of the committee, and further than that, after having allowed large amounts in cases that subsequently came before the committee, it was the judgment, at least, of some of the committee that some of the cases that had been reported for small amounts ought to be raised. And I am in accord to-day and now with the suggestion made that in the case of Annie T. Jackson the amount ought to be raised. True, the facts in that case have not been fully brought before this Committee of the Whole. It is the case, I believe, in which a laborer had been temporarily employed for a day or two, but the suggestion was made, as I stated, to the author of the bill that when it came up for consideration on the floor of the House—and I so stated to him, because it was reported by me—the committee would agree to the amendment enlarging the amount of it.

But this criticism of the bill is valuable. It is valuable because it is a criticism of the law; it is a criticism of the bill two

years ago; it is a criticism of the action of the committee two years ago. And I am disposed to be friendly to a more liberal law to be passed by Congress than the present law. So far as the members of the committee are concerned, I am not at all sensitive. I am glad to hear the criticism made of the law or of the bill by reason of the law, or any part of it, either from the gentleman from Tennessee [Mr. AUSTIN] or the gentleman from Illinois [Mr. MANN], but the committee itself is not subject to criticism.

I yield to the gentleman from Illinois [Mr. FOSTER] five minutes.

Mr. FOSTER. Mr. Chairman—

Mr. COOPER. Mr. Chairman, I want to ask the gentleman a question. Take this item of Annie T. Jackson, \$420; it reveals the fact, does it not, that on the United States tugs the Government pays firemen the munificent salary of \$35 a month?

Mr. FOSTER. I am not on the committee.

Mr. COOPER. And is this amount one year's salary?

Mr. FOSTER. I would say to the gentleman from Wisconsin that I am not a member of the committee.

Mr. DICKINSON. If the gentleman will permit me to answer, that is one year's salary—the same amount that would have been allowed if it had been paid within the time prescribed under the Government compensation act.

Mr. COOPER. I only wish to say here by way of a parenthetical remark, that for the Government of the United States to pay the widow of a fireman, killed while in the employ of the United States Government, \$420, is an insult to the widow.

Mr. FOSTER. I fully agree with the gentleman from Wisconsin that \$420 is an unusually small amount to pay for the death of any person who works for the Government. I am a firm believer in the proper compensation by the Government for injury or death incurred while in the employ of the Government when not due to their own gross negligence.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MANN. If this fireman had been killed prior to the law of 1908, this widow would have \$420 without question. Is there any reason for paying an amount larger because the death happened to occur before 1908?

Mr. FOSTER. I think my colleague from Illinois [Mr. MANN] is correct, so far as his statement of the case is concerned. But I think, regardless of the law that was passed in 1908, it is entirely too low a compensation for men who lose their lives or who are injured while in the service of the Government, and we ought to change that law. And if the gentleman will call to mind, when that law was passed in 1908 it was passed under suspension of the rules, when there was no opportunity given to anyone to amend the law, and it was taken as the best that could be had at that particular time. And, if he will recall, the gentleman from Kentucky [Mr. SHERLEY] made some remarks upon that bill under the 20-minute debate allotted to each side and called attention to the fact that that bill was not in the proper form in which to pass, but that the bill ought to be taken up and considered section by section, so that we might have an opportunity to amend it and put it in proper shape so that it would give ample compensation for Government employees.

Mr. MANN. The gentleman will also call to mind that the only way to pass the bill at all was under suspension, and that we reversed a former policy of the Government that had existed for more than a hundred years, to pay nothing.

Mr. FOSTER. If the gentleman from Illinois is correct about it, that this would give employees in hazardous occupations something which they formerly did not get except through a bill in Congress, and you see how hard it is to get claim bills through the House—

Mr. COOPER. Will the gentleman permit an interruption?

Mr. FOSTER. Yes, sir.

Mr. COOPER. I understand the gentleman from Illinois [Mr. MANN] to say, and the other gentleman [Mr. FOSTER] to acquiesce in the statement, that prior to the statute of 1908 it had been the uniform policy of the United States Government not to pay anything.

Mr. FOSTER. The gentleman from Illinois [Mr. MANN], my colleague, did not say that, and I did not mean the gentleman to infer such was the case; but I said they did not provide anything only by presenting a claim to Congress and getting it through here, and many times they were unable to secure any compensation at all. I think the gentleman from Wisconsin, from his long service, will recall that that is true.

Mr. COOPER. I will say to the gentleman that I recall very distinctly that a certain Senator from west of the Mississippi River succeeded in getting through a claim, if I remember the amount, of \$8,000.

Mr. MANN. I think it was \$10,000. It was so exceptional that everybody remembers it.

Mr. FOSTER. There may have been a few cases gotten through, but cases that were obscure never received anything.

Mr. COOPER. What I think has been considered is: Whether the Government of the United States was negligent or the person injured guilty of contributory negligence. This particular law of 1908 limits compensation for injury to the yearly wages only.

Mr. FOSTER. What I wanted to say was that prior to the law of 1908 there was nothing on the statute books that gave an employee anything whatever.

Mr. AUSTIN. When the Ford disaster occurred here and a number of men were killed, the Government reimbursed their families, I think, by giving them \$5,000.

Mr. MANN. That caused as much hysteria as the loss of the *Titanic*.

Mr. FOSTER. I want to say to the gentleman from Tennessee [Mr. AUSTIN] that I believe as much as he does in the proper compensation for the employees of the Government who lose their lives or get injured in the service. I want to say this, further, to the gentleman from Tennessee [Mr. AUSTIN], that I fully believe that I would agree with him that this Government ought to pass a proper compensation act. I do not believe that it is right for a corporation to cut a man's leg or arm off and then leave him crippled and unable to earn a living, and to go upon the charity of the world. Neither do I believe that a man engaged in hazardous occupations for the Government should lose his leg or his arm, or be injured in some way, and he and his family be turned out upon the charity of the world. And if he loses his life I believe it is as right for the Government to pay the sum as it is for any corporation, and I am in favor of such legislation and would be glad to help pass it. [Applause.]

There was one thing that struck me as peculiar in this report, and that was the case referred to on page 34, the claim of D. M. Rowland, father of Robert Blaine Rowland, a seaman of the United States Navy, who was killed while in the performance of his duty on January 31, 1906, by being struck by a bullet from one of the Morris tube rifles on the U. S. S. *Cincinnati* while engaged in target practice in Manila Harbor.

I want to call the attention of the committee to this report—not the report of the committee, but the report to the Navy Department—which is a very peculiar thing to me. Here was an officer who had neglected to take the proper precaution of putting a bullet catcher in front of the Morris tube in target practice, and the man lost his life as a result. Then a court-martial was had in the Navy, which decided that the officer should be reprimanded for neglecting his duty in such a way as to cause the loss of the life of a man in the Navy. Then it seemed as though the reprimand was not administered, because there was going to be another court-martial. They held another court-martial and finally considered that the punishment should be administered, or that was all they proposed to do, and the officer received his reprimand.

It occurs now that in cases where United States Navy officers in the discharge of their duty fail to take proper precautions and an enlisted man loses his life in consequence, the Government is called upon to pay \$1,000 damages. This accident did not result in consequence of any fault of the man himself, but through the negligence of his commanding officer, the man in charge of the vessel, whose duty it was to take these precautions; and it seems strange that that officer should be permitted to go with merely a reprimand.

Mr. AUSTIN. What page of the bill is that case on?

Mr. FOSTER. On page 34.

Mr. AUSTIN. I mean the page of the bill. That is page 34 in the report.

Mr. MANN. Page 3 of the bill.

Mr. KENDALL. Mr. Chairman, I would like to make a statement.

Mr. FOSTER. I will yield to the gentleman from Iowa.

Mr. KENDALL. Mr. Chairman, the case to which the gentleman from Illinois [Mr. FOSTER] is referring is one that ought peculiarly to have addressed itself to the sympathies and the sensibilities of the Committee on Claims. I am somewhat familiar with the facts. Young Rowland was a lad living in the second district of Iowa. He entered the naval service, as stated in the report, and at the time he was killed was engaged in conveying his superior officer to the ship *Cincinnati*, in the discharge of his duty, under the command of those having supervision over his movements. Through what must be termed the inexcusable negligence of the officer in charge of those engaged in target practice, and without the remotest negligence on his own part, he was killed.

Now, here is what I submit ought to have appealed to the sympathies and the sensibilities of the committee: If these awards are to be made for sentimental reasons, as in the case of the lighthouse keeper, which has been discussed—

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. KENDALL. Will the gentleman from Illinois [Mr. MANN] yield me five minutes?

Mr. MANN. Let the gentleman take the floor in his own right.

Mr. KENDALL. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. The gentleman from Iowa [Mr. KENDALL] will be recognized for five minutes.

Mr. KENDALL. This young man was killed on the 31st day of January. His parents live in Iowa. His old father was a veteran of the Civil War and his mother is a most estimable woman. The boy was in the habit of writing to his mother every Sunday while he was in the Philippine service, and his letters required about five weeks to come from the Far East to his home at Marengo, Iowa. He was killed, as I say, on the 31st of January. On the 2d day of February a cablegram was delivered to his parents informing them of the tragedy, and for five weeks thereafter the letters that had been written by the boy during his lifetime kept coming to the bereaved mother. Now, no one can exaggerate the anguish that must have overwhelmed that poor old lady as each message reached her, and yet the compensation proposed by the committee here is only \$1,000.

Mr. MANN. Would not the same thing have occurred if the young man had been killed in battle?

Mr. KENDALL. Yes; certainly. That is why I suggest that it is dangerous for the committee to surrender to considerations of sentiment in one case unless they are to control in all cases. A death is a death, and the estate of a man who dies, as in the case of the lighthouse keeper, is not entitled to one cent more than the estate of a man who is killed as was young Rowland.

Mr. AUSTIN. If the sailor had been killed in battle his wife or his dependent mother would have had a pension, would she not?

Mr. KENDALL. Yes.

Mr. MANN. Would there have been any distinction between a young man being killed in battle and killed in the way in which young Rowland was killed?

Mr. KENDALL. I think not. This young man was killed while in the faithful discharge of his duty without any negligence whatever of his own.

Mr. MANN. That is the same thing. As a matter of fact, does any one here know whether his dependent parents are entitled to a pension?

Mr. KENDALL. I am inclined to think that they are not dependent, in the strict interpretation of the word. I do not think they were wholly dependent.

Mr. PEPPER. Mr. Chairman—

Mr. KENDALL. I did not observe that my colleague was here. He can no doubt furnish more specific information. I yield to him.

Mr. PEPPER. I am familiar with the facts of the case, although the facts were originally brought to the attention of the House by my predecessor, Mr. Dawson, who had the claim pending before Congress for some years. The parents of this young man are at the present time in needy circumstances. The father at one time was rather well to do, but in the last few years, as I understand, he has become reduced in circumstances. In my judgment, this \$1,000 is a very inadequate compensation, based upon any ordinary rule of compensation.

Mr. MANN. Is not the father entitled to a pension?

Mr. PEPPER. I do not think so, under the present pension laws.

Mr. MANN. He would be if he was a dependent parent, and I would infer that he was a dependent parent, because the boy was sending home to him \$15 each month.

Mr. PEPPER. The proof of dependency under the pension laws is so strict that I do not believe this man could bring himself within the strict terms of the law.

Mr. MANN. I guess the reason why a pension has not been granted is that the mother is not a dependent mother.

Mr. PEPPER. Under the provisions of the pension law, as I understand, the dependent parent has to be practically helpless and have no income of any kind. Of course, that is not the case with respect to the parents of this young man; but as my colleague [Mr. KENDALL] has stated, this is a case that certainly appeals to every man who believes that the Government ought to make some adequate compensation on account of the willful and almost criminal negligence, as you might say, of one of its officers.

Mr. MANN. I do not agree with the gentleman as to the criminal negligence of one of the officers. The report is here.

Mr. PEPPER. That is what it says.

Mr. MANN. The report speaks for itself. If the boy had been killed after May 14, 1908, the father and mother might have received, if he had designated them, six months' salary. He did not so designate them, and now the gentleman proposes that because he did not designate them we should pay several times the amount.

Mr. PEPPER. If there is any way of doing that, I am in favor of it.

Mr. MANN. In this particular case the gentleman is in favor of it.

Mr. PEPPER. I am in favor of paying the honest obligations of the Government.

Mr. MANN. Everybody is in favor of paying the honest obligations of the Government, but that is not the question here.

Mr. PEPPER. If we have enacted a law that does not take care of those obligations, to my mind that is no excuse for our failing to do our duty in a case of this kind. [Applause.]

Mr. KENDALL. I directed attention to that case, not in the hope of inducing the committee to allow an amendment increasing the amount of recovery, but to illustrate how inequitable it is to make fish of one and flesh of another. There ought to be some intelligent method of determining the amounts to be awarded in these respective cases.

I do not agree with the gentleman from Illinois [Mr. MANN] that a fixed provision ought to be made above which the committee might not go or below which the committee might not go, but I believe each case ought to be accorded careful consideration and then determined upon its own individual merits. I suppose it is the theory of the committee that the liability of the Government in some amount is assumed, otherwise there would be no recovery permitted at all. Now, that being true, what ought the allowance recovery to be in each particular case? Here is a man 25 years of age, with an expectancy of 30 years, in robust health and of good earning capacity. Here is another man working by his side, perhaps 60 years of age, infirm in health, with no expectancy as compared with that of the first man to whom I have referred. I think it would be an absurdity to say that where each of these men loses his life without negligence on his part, but as a result of the negligence of the Government, the families should be compensated in identical amounts. That, it seems to me, violates every principle of equity and justice.

Mr. DICKINSON. If the claim is presented under the law within one year after the accident, then the amount is fixed and is paid without coming to Congress, is it not?

Mr. KENDALL. Yes.

Mr. DICKINSON. If it is presented more than a year after the accident, then it comes before Congress, and in that class of cases, where the claim is withheld for more than one year, they would get a larger amount. In view of that fact, what ought the committee to do—ought it to establish some rule?

Mr. KENDALL. I am indulging in no criticism of the practice of the committee in following this law of 1908 to the extent that it can be followed, if that is to be the settled policy in the adjudication of these claims. I do not believe the provisions of that law of 1908 are at all adequate, and I think they ought to be enlarged to respond to the finer sense of justice which is coming to prevail in this country in the compensation of families for the loss of their supporters. [Applause.]

We are growing away from the old, rigid rules which have governed these questions in our country, and the day is not distant when there will not be a Commonwealth in this Republic which will recognize the old doctrines of contributory negligence or assumption of risk. I believe we are coming to a time when every injury will be compensated, whether it be the result of the negligence of the employer or not; even those inevitable accidents which constantly occur. All industrial injuries will some time be redressed, and the expense will be charged against the industry in which the injury was sustained.

Mr. RAKER. How much does the gentleman think this man's family ought to get?

Mr. KENDALL. Mr. Rowland's family?

Mr. RAKER. Yes.

Mr. KENDALL. I do not think \$1,000 is adequate compensation at all in that case.

Mr. RAKER. What is the gentleman's idea of proper compensation in that case?

Mr. KENDALL. I do not know; but I say that, in my opinion, it is a reproach to this Government to go to a widow like Mrs. Jackson here, whose husband died in the discharge of his duty as a result of the negligence of the Government, and tender

to her the paltry sum of \$420 in full satisfaction of that injury.

Mr. MANN. There is no negligence shown in that case.

Mr. KENDALL. That was the case of an explosion, I believe?

Mr. MANN. Yes.

Mr. KENDALL. I know it has been a principle of law that the mere occurrence of an accident is not evidence of negligence; but here was a Government steam boiler that exploded and killed a man.

Mr. AUSTIN. And the Government had inspectors to examine those boilers.

Mr. KENDALL. The Government had inspectors to examine those boilers, I assume. And I venture to say that if the exact facts could be uncovered somebody was negligent in the performance of his duty, because it rarely occurs that a boiler explodes when it has been carefully and properly inspected.

Mr. GREEN of Iowa. Will the gentleman yield right there?

Mr. KENDALL. I will.

Mr. GREEN of Iowa. That, again, just illustrates one of the difficulties under which the committee labored. There was nothing really to show the committee but what this man himself might have had something to do with that explosion.

Mr. KENDALL. If the committee entertained any doubt about the negligence of the deceased, I suppose that doubt is removed by the fact that this provision is reported for his family. So we may assume that the committee conceded that the Government was liable to his estate. Otherwise it would not have made any recommendation for the benefit of the family.

Mr. AUSTIN. Read what the Judge Advocate General says about it.

Mr. KENDALL. The Judge Advocate General says, as supplied by our friend from Tennessee, that the injury was not due to any misconduct or negligence on the part of the deceased.

That is the conclusion of the Judge Advocate General after a careful survey of all the facts and a scrupulous examination of all the evidence.

Mr. BUTLER. What does he say about the negligence of the Government—anything?

Mr. RUSSELL. He is silent.

Mr. KENDALL. I have read all he said on the subject of negligence—

It appears from the report of the Judge Advocate General that the injury was not due to any misconduct or negligence on the part of the deceased.

It goes on further to say that if it had occurred prior to May 30, 1908, his widow would have received \$420.

Mr. MANN. The gentleman ought to read on—what they say that he said.

Mr. KENDALL. I omitted to read that because I knew that the gentleman from Illinois was entirely familiar with the case.

Mr. MANN. But the gentleman ought to put it in the RECORD.

Mr. KENDALL. I will.

Mr. BUTLER. Let me ask the gentleman how, are you going to get these men paid?

Mr. KENDALL. If the gentleman from Pennsylvania will assist, we will do something toward paying some of them this afternoon.

Now, Mr. Chairman, the report says:

It appears from the report of the Judge Advocate General that the injury was not due to any misconduct or negligence on the part of the deceased, and that had the act of May 30, 1908, providing compensation for injuries received by certain employees been in force at the time of the above accident, his widow would have been entitled to one year's pay, amounting to \$420, and your committee deems the claim meritorious and recommends that the bill for \$420 be approved.

What I am complaining about now is that this committee having charge of this important legislation is not justified in reporting the meager amount of \$420 to one family, whose support has been taken from it, and \$5,000 to another family, which has suffered a similar injury.

Mr. LEVY. I want to say to the gentleman from Iowa that there is no law for this other widow at all.

Mr. KENDALL. Under what law is this \$420 allowance made?

Mr. LEVY. There is no law covering her case, but that is what she would have received under the general compensation act.

Mr. MANN. If the Annie Jackson case had occurred after May 30, 1908, the law would have provided a payment to her of \$420, whereas the law would not have provided anything in the other case. Therefore they give \$5,000 in a case where the law provided nothing and \$420 in a case where the law would have paid \$420 except for the date of the injury.

Mr. LEVY. You have to follow the law.

Mr. KENDALL. What law did the committee follow in making the award of \$5,000?

Mr. LEVY. The law that we are making to-day; there is no other law for it.

Mr. GREEN of Iowa. There is no law for either case.

Mr. MANN. But there would have been a law if the Jackson case had occurred a few days later.

Mr. KENDALL. We all agree that the compensation act is not liberal enough. Was the gentleman from New York on the subcommittee that considered these cases?

Mr. LEVY. I was on the \$5,000 case.

Mr. KENDALL. I wish the gentleman had been on the other one. What reason does the gentleman give for allowing \$5,000 in one case and \$420 in the other?

Mr. LEVY. They were different cases. This one came before me and was an extraordinary case. I thought she was entitled to fair compensation. She was a poor widow and she kept the lights going all through that long dark night just as her husband had always done.

Mr. KENDALL. But this is a poor widow in the Jackson case, also.

Mr. LEVY. But I am speaking of this particular case, where this woman rendered unusual service.

Mr. KENDALL. The gentleman is not making compensation to the widow in addition to compensating her for the loss of her husband.

Mr. LEVY. For her bravery and keeping the light burning all through the night, we thought that deserved special consideration.

Mr. KENDALL. I do not think the gentleman can be serious about that.

Mr. BUTLER. Let me ask, did not somebody put in a claim for the burning of the lights that night? I thought I saw something in the report in connection with that.

Mr. POU. Mr. Chairman, I ask unanimous consent that at the conclusion of the remarks of the gentleman from Illinois [Mr. FOWLER], a member of the committee who desires to address the committee briefly, that general debate be closed and that we proceed with the reading of the bill.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that at the conclusion of the remarks of the gentleman from Illinois [Mr. FOWLER], a member of the committee, that general debate be closed and that we proceed with the reading of the bill.

Mr. MANN. Mr. Chairman, I think the gentleman had better make the request after the gentleman from Illinois concludes, and for the present I object.

Mr. FOWLER. Mr. Chairman, the Committee on Claims has labored under some of the most adverse circumstances that I was ever placed in in all the born days of my life. [Laughter.] I thought that my little personal-injury experience which I had acquired down in my home district would somewhat equip me for this arduous duty, but I found myself as helpless as a child when confronted with such a great variety of circumstances surrounding the many claims that we were called upon to consider, with the importunities of learned gentlemen of long experience in this House, I found myself so bewildered that I was confirmed in the belief that the only sensible rule to be adopted and be governed by in the consideration of all of these cases was that of equity and justice. [Applause.]

It was thought by a number of gentlemen on the committee that the law which was passed in 1908 ought to govern the action of the committee in the consideration of all of these personal-injury cases. We divided ourselves into subcommittees, to each of which an allotment of claims was assigned by the chairman of the committee. I understand that some of these subcommittees adopted the provisions of the law of 1908 as their rule in making allowances for personal injuries to employees while working in hazardous employments in the service of the Government. Guided by this rule, a few cases were reported to the committee, with allowance fixed at one year's salary at the rate of wages received by the claimant at the time of his injury, and the committee ratified the recommendations of the subcommittee.

As a member of that committee I did not agree to that standard of measurement, because of the fact, Mr. Chairman, that I did not regard the law as it now stands as an equitable measure. [Applause.] I deny the proposition that the gentleman from New York [Mr. MICHAEL E. DRISCOLL] enunciated a little while ago when he said that whatever sums we allow to these poor unfortunate cripples, and widows whose husbands lost their lives while engaged in hazardous employments, was a gift from the United States. Again, Mr. Chairman, I say that I deny the proposition, because the men who have been injured

are laboring men who stood on the firing line of hazardous employment in order that the wheels of this Government might roll on forever in the interest and for the good of the American people and for mankind. When the Government has an important piece of machinery to become impaired or to break, the cost of mending or replacing it is borne by the Government, whatever the sum may be. Men get out of repair and break the same as machinery, and whenever any part of the governmental agencies are impaired, whether machinery or men, it ought to be the duty and the province of this Government to give to it that kind of relief that the circumstances surrounding the individual case demands, and that is the rule which I adopted in considering these claims. Mr. Chairman, after the committee had proceeded for some time upon the line of allowing an individual who had been injured in the line of a hazardous employment a year's salary as compensation in full satisfaction of his claim, we then departed from that rule and formed ourselves into a jury for the purpose of determining the facts in each case and making an equitable allowance for the injury.

Now, we have been criticized here for our action, and, Mr. Chairman, justly so, from the standpoint of measuring every case with the same yardstick. No one would think of measuring all men's clothes with the same yardstick. It would look funny to see a 6-foot man dressed in a 5-foot man's trousers. It would be no less ridiculous to see a man with the loss of a leg or an arm dressed in the judgment of the man with a bruised heel or a sore toe. One yardstick is not enough for the measurement of the various cases. It takes a yardstick for each individual case, and that is what we adopted. Mr. Chairman, there is a discrepancy between the amounts allowed. For instance, the \$400 in the Jackson case and \$5,000 in the lighthouse case, both allowances to widows for the death of their husbands, but one of these cases was measured by the yardstick of the law of 1908, while we were working with but one yardstick. I am perfectly willing to concede that Mrs. Jackson ought to have more than \$400, and the other was measured by the yardstick of equity and justice, which demanded a fair consideration of the woman's rights, and that she should be cared for by the Government because her husband lost his life in a most hazardous undertaking. As I recall, that was the case of the keeper of a lighthouse who in the discharge of his duty was attempting to return to the lighthouse through a storm, out across the billows, and lost his life. His wife, a woman like Barbara Frietchie, waving the Stars and Stripes from her attic window as Stonewall Jackson entered Frederick town, stood bravely at her post and did her duty nobly. You may call it sentiment, or whatever you please, but there is in the makeup of men and in the milk of human kindness in the souls of men a disposition to measure a case according to its merits. [Applause.]

And that is what we did in this case. You may criticize all you please, but I wish we could put one of these critics in there as a member of that Committee on Claims and let him stand the test, the crucial test, of going through the evidence and the besieging of Congressmen on behalf of cripples and weeping widows, orphan children, and aged, helpless parents. Letters and petitions in each case piled up in stacks, and finally confronted with a report from the department of government recommending the allowance of a sum often fixed by it. I would like to see what kind of a man he is when he gets through with that ordeal. I am sure he would be anything else but a critic. My distinguished friend and colleague from Illinois [Mr. MANN] is one of the strongest critics in this case. He wants every man to be perfect. Talmage once said the man who never committed a big blunder has not yet been born; if he had it would have killed him. Now, I never saw a perfect man in my life, and I have had my doubts about any man who pretends to be perfect. Why, he is not a perfect man by any means. [Laughter.] At the close of the last session of Congress he accredited Æsop with the authorship of the Woodcutter. Æsop died centuries before the Woodcutter was written. Now, let him criticize all he pleases because we have refused to be governed in our actions by an unfair law which he had a hand in passing—an inequitable law, one which gives the poor \$300-a-year laborer only \$300 if he loses a leg, and gives \$5,000 for the loss of a toe to a standing-collared, red-necked fellow who receives a \$5,000 salary for strutting around twisting his mustache. I would not be guilty of voting for a law of that character, and if I ever get an opportunity to cast a vote to change its terms I would that my vote were a legion so that I might see a majority piled mountain high to destroy its unequal and unjust terms, which are now imposed upon the extreme, needy laboring men of this country. [Applause.]

Now, Mr. Chairman, I listened with a great deal of interest to the distinguished gentleman from Tennessee [Mr. AUSTIN].

They may say he did not make a speech, but I say, Mr. Chairman, his remarks went to the very essence of this question and kissed justice, whereas other men, the critics, went wild of the mark. My distinguished friend from Illinois [Mr. MANN] is one of the wildest shooting men on the floor of the House in his criticism of this bill. [Applause.] Now, Mr. Chairman, I do not care to consume the time of the committee, but I could not, Mr. Chairman, preserve my respect for the laboring men of my district and of this country—laboring men who go down into the bowels of the earth to dig coal in dark and dangerous caverns to furnish heat for dwellings and motor power for machinery; for the farmers who are toiling during the long summer days, in the sweat of their faces, to satisfy the hunger of man and beast alike; for the common laborer of this country, whose long hours of toil furnishes more than 90,000,000 people with food, raiment, and shelter, if I did not stand here in the defense of their rights [applause]; and for that reason, Mr. Chairman, I have begged of this committee to give me a short time that I might speak a few stammering sentences in their behalf. And I hope, Mr. Chairman, that the time will come when every man who is injured on the public works of the United States will not only get one year's salary, but that the United States in its greatness and in its wisdom will rise to a high plane of equity and justice, and through and at the hands of a righteous Congress give to these employees a fair consideration for the injuries which they have sustained in trying to do our work and the work of this Nation. [Applause.]

Mr. POUL. Mr. Chairman, I ask unanimous consent that general debate now close, and we proceed with the reading of the bill.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that general debate now close, and proceed with the reading of the bill. Is there objection?

Mr. MANN. Just a moment. Mr. Chairman, the Government compensation act became a law May 30, 1908, and those Members in this House who are serving their first term in this House of course have no responsibility for the passage of that act. This was the first distinct step which the Government ever undertook by legislation to acknowledge liability for injury of its employees. But at this session of Congress we have passed through the House a bill extending that compensation act, with its limited liability, to the Forest Service, and another bill extending it to the Bureau of Mines and Mining, and no gentleman on the floor, be he new or old in Congress, can escape the responsibility for the unanimous consent of the passage of those two amendatory acts without a word proposing to increase the liability of the Government or a word in condemnation of the act as it stood. My distinguished colleague from Illinois [Mr. FOWLER] was a member of the State Legislature of Illinois for many years, and I blush to say that that State does not have upon its statute books any law like our compensation act providing any liability whatever for State employees injured in the State service.

Mr. FOWLER. Mr. Chairman, I do not desire to take up the time of the gentleman [Mr. MANN], but I desire to call his attention to the fact that two years ago, in a special session, as I recall, the legislature of Illinois, did pass a general compensatory act, and that act is now on the statute books of the State of Illinois. While I was a member of that legislature I want to say, Mr. Chairman, that we helped to perfect one of the best mining laws of any State in the Union. Until a set or gang of designing fellows got hold of it during last session of the legislature it stood among the best of any of this country, but they modified it so that the miners of the State of Illinois lost more than they had gained in 20 years. I was not a party to that law, but I added my influence as a humble citizen down in the southern part of Illinois, aye, down in Egypt, if you please, for the purpose of trying to get a wholesome law which would protect the miners and the laboring people of the State of Illinois. Can the gentleman who has just taken his seat say that much for himself?

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina [Mr. POU] that general debate on this bill be closed? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That \$39,603.98 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay certain employees of the United States Government for personal injuries received while in discharge of their duties, without any fault on their part, and to pay certain other claims for damages to, and loss of private property by the various departments of the Government, as hereinafter stated, the same being in full, and the receipt of the same being taken in each case as full and final release and discharge of the respective claims, namely:

Mr. AUSTIN. Mr. Chairman, I ask the chairman of the Committee on Claims if we may have an understanding about the

total amount carried in this bill. We will return to it in the event that there are any changes made in the bill.

Mr. MANN. I object to any understanding about it.

Mr. POUL. So far as I have any power to agree, I am willing to do it.

Mr. AUSTIN. Suppose there should be any change, we should want to return to this item.

Mr. MANN. I am not willing to consent to any unanimous-consent agreement.

Mr. AUSTIN. I can get along probably without the gentleman.

Mr. MANN. I can tell the gentleman, but the gentleman knows how, without being told how, to do it.

Mr. AUSTIN. Mr. Chairman, I would like to ask the chairman of the committee what amount he is willing to insert in here as an amendment—that he will accept or agree to?

Mr. POUL. I will state to the gentleman that I can not agree to any increase.

Mr. AUSTIN. This was a case of a post-office employee in the New York City office who lost his life there on account of a defective elevator, as I understand it, and died five days after the accident occurred.

Mr. MANN. He died from delirium tremens. The report says:

Ruptured kidney, interior hemorrhage, and delirium tremens.

Mr. AUSTIN. Does that account for the elevator being out of order?

Mr. MANN. I do not think that accounts for the amount.

Mr. POUL. The report shows that he lost his life without any negligence on his part, but I do not think it is a case in which there ought to be an increase.

Mr. BOWMAN. I call attention to the report, on page 14. It says that he did not at the time seem to have sustained any serious injury, and declined assistance to his home. Several days after a person who represented himself to be a friend of Clerk Riley reported that Clerk Riley had died in the Fordham Hospital at 11.45 o'clock that morning. There does not seem to be enough evidence to connect the accident with his death.

Mr. FOSTER. While delirium tremens might have been a contributing cause of his death, yet he did have, according to this report, a ruptured kidney, which in itself would be sufficient to produce his death.

Mr. MADDEN. Will the gentleman from Illinois [Mr. FOSTER] permit me to ask him a question as an expert medical practitioner?

Mr. FOSTER. With that understanding, I could not answer.

Mr. MADDEN. Is not delirium tremens always the result of drinking whisky, or can it come from other causes?

Mr. FOSTER. We get a condition similar to that from drugs, such as morphine. But whisky is the usual cause of it. The report shows that this man says here that he had a ruptured kidney, or internal hemorrhage, and I will say that was a pretty serious condition without any delirium tremens.

Mr. POUL. I call the attention of the committee to the recommendation of the Postmaster General on page 13. He says: The department believes that this claim is a meritorious one.

That report of the Postmaster General has really much to do with the making of this report.

Mr. GREEN of Iowa. Mr. Chairman, I suggest there is nothing before the committee calling for this discussion.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To pay \$1,500 to Elizabeth Riley, widow of Edward M. Riley, who was killed while in the discharge of his duties in the United States post office in the city of New York.

Mr. AUSTIN. Mr. Chairman, I move to strike out "one thousand dollars" and insert "five thousand dollars," so that it will read:

To pay \$5,000 to Elizabeth Riley, widow of Edward M. Riley, who was killed while in the discharge of his duties in the United States post office in the city of New York.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 10, strike out the words "one thousand five hundred dollars" and insert in lieu thereof the words "five thousand dollars."

Mr. AUSTIN. Mr. Chairman, now I would like to ask the chairman of the committee, the gentleman from North Carolina [Mr. POU], what there is in the testimony of this case to justify the gentleman from Illinois [Mr. MANN] in stating that this man came to his death owing to delirium tremens or excessive drinking?

Mr. POUL. On page 14 the postmaster of the city of New York makes this statement, that he had a ruptured kidney, with interior hemorrhage and delirium tremens. Now, it is just possible that the man, after he was injured, had taken to

drink and got himself into this condition, though, of course, this is not probable. There was no evidence before the committee that he was an habitual drinker. He was in the service of the Government, and the Postmaster General over his signature says this is a meritorious case. Now, upon those facts the committee acted.

Mr. MANN. Just to be perfectly fair about it, this man was injured on the 6th day of February and went home not knowing that he was seriously injured. On the 8th day of February he went to the hospital and was received in the hospital, and on the 11th day of February he died. When they concluded what was the trouble that statement was made, that he had an injured or ruptured kidney and internal hemorrhage and delirium tremens.

Now, while the report does not contain fully the evidence connecting the illness or injury with the accident, still I think, with the report of the Post Office Department and everything that is published here, that it is quite evident that his injury was in fact caused by the accident. Whether the accident was caused by the man's being under the influence of liquor or not is another proposition. But the man died and he left a lot of children.

Mr. POUL. I take it that if this man was drunk at the time he was injured that fact would have been disclosed, and the Postmaster General never would have made the recommendation he did make under the circumstances.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. POUL. Yes.

Mr. RAKER. Is it not fair to presume that under the circumstances the man's injury was so great that he was perfectly dazed at the time and did not know his condition, just like the case of the little girl that was shot over here in Virginia when they killed the judge. They asked her whether she was injured or not, and she said "No," and she went on home and within an hour they found her shot through the body. And yet she did not know she was injured. It might be a case of that kind. It seems from the facts that have been produced that the man was dazed and did not know he was injured.

Mr. AUSTIN. According to the report, this is the case in which Edwin M. Riley received injuries in the discharge of his duties which caused his death five days after the receipt of the injuries. This accident occurred, or his death occurred, "from no negligence on the part of the said Riley." Now, in view of that statement in the report, are we justified in bringing into this case at all the idea that this man's accident or death was the result of excessive drinking?

Mr. POUL. I did not say that at all. I say there was no evidence to show that he was drinking at the time. The presumption is that he was not.

Mr. AUSTIN. And he came to his death through no fault of his own. He left a wife and seven children, and they are all under 16 years of age. And we are going to pay to that widow and seven children \$1,500.

Mr. CULLOP. Where do you find any proof of the statement in this report that his kidney was injured in this accident, or that it was because of the internal hemorrhage that he had, except the report from the hospital, which shows that he had a ruptured kidney, with internal hemorrhage, and delirium tremens? Now, there is not a thing to show that the first of these two injuries named was brought about at all in the accident that he had in the elevator. He went home and declined assistance, and died four days and one hour after the accident. Now, upon what do you predicate that he lost his life through the accident?

Mr. AUSTIN. Here is what I do predicate it on: On the statement of the gentleman having this bill in charge, and the statement of the Postmaster General, who says that Edwin M. Riley, formerly a clerk at \$1,000 in the post office at New York, died February 11, 1908, as the result of injuries received while in the performance of duty on February 6, 1908. There is the statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I take it that there is no evidence at all in this report or this record to show that this death was produced by, or was the result of, that accident in the elevator. You have just as much right to assume, from anything that appears from this report, that this death was the result of delirium tremens, and that he received some other shock which produced the other two injuries named in the report furnished from the hospital. It nowhere shows it was the result of the accident in the elevator.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Iowa?

Mr. CULLOP. In a moment. Nor does it further appear that in the investigation of this claim there was any inquiry made at all about his temperate or intemperate habits. It nowhere appears in this report or anything that I have seen or had pointed out that any inquiry upon that subject was made at all during the investigation, but it was taken for granted it seems from the proof that was furnished, although ex parte, as it was, that this injury in all probability produced that result.

Now, while we are legislating and appropriating money to pay for these injuries we should act justly and fairly.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Michigan?

Mr. CULLOP. In a moment. Is it proper and right to the other people of the United States that we should jump at conclusions and let sentiment or sympathy determine the result of our action? I take it that it is not. And for one I assure the committee I shall not do so, and I should regret to know that others would be willing to do so. The entire country is interested in these proceedings, and we should not permit sympathy, fear, or prejudice to control our deliberation. Whatever is done in this case or in any of the cases reported here should be done from the standpoint of administering justice, and not to reward or punish any person.

Mr. GREEN of Iowa. The gentleman says there is nothing in the report that shows that the death of this man was the result of the accident. If the gentleman had looked a little further, on page 14, he would have seen the report of the postmaster, made to the Secretary of Commerce and Labor after an investigation of the accident. Item 7 of this report shows that he was—

Injured in accident, as reported, on February 8, 1908.

And in item 9—

Died as the result of such injury on February 11, 1908, at Fordham Hospital.

Mr. CULLOP. That is merely a conclusion. No facts are reported upon which that conclusion of the postmaster could be based. It is the mere statement of a conclusion on his part, doubtless an inference drawn from the report made to him from the hospital, which, in my judgment, is a very violent inference. But, on the contrary, the report of the authorities in charge of the hospital clearly contradicts this conclusion, and they are the only facts shown to have been reported to him.

How he could arrive at such a conclusion in the face of the facts, I am at a loss to understand.

Mr. RAKER. Will the gentleman yield for a question?

Mr. CULLOP. Certainly.

Mr. RAKER. The committee have made a report upon this bill, and I presume they have heard the evidence and based their conclusion on that evidence. I want to read a sentence from the report of the committee on this matter.

This is a case in which Edward M. Riley, an employee of the United States post office in the city of New York, received injuries in the discharge of his duties which caused his death five days after the injuries were received.

Mr. CULLOP. What is the question of the gentleman?

Mr. RAKER. Is not that the conclusion of the committee that they drew from the evidence presented?

Mr. CULLOP. I do not know that it is. Let me call your attention to this part of this report:

To obtain the exact cause of Mr. Riley's death I communicated with the Fordham Hospital, and in reply they informed me that he "was admitted to this hospital on February 8, 1908, and died on February 11, 1908. He had a ruptured kidney, with interior hemorrhage, and delirium tremens."

Where is there any other syllable of proof furnished? That is signed by the postmaster. Now who could draw the inference, from that statement of the postmaster, that this man died from the injuries that he received in this elevator? This is the statement of the postmaster, from which the conclusion that the gentleman refers to was drawn, and the facts upon which that conclusion was based do not sustain the conclusion, but on the contrary refutes it. Why ignore the best evidence, which was the report made by the hospital, and assume in the face of it the contrary? This one single circumstance standing alone clearly disproves the conclusion of the postmaster in this matter, and shows how unreliable it is. There was warrant to conclude he died from causes other than the elevator injury, but there is no proof that that injury was the cause of his death.

Mr. HAMILTON of Michigan. I just wanted to ask the gentleman what he thinks would probably be the effect upon a man of a ruptured kidney and internal hemorrhage resulting therefrom?

Mr. CULLOP. That would depend on how serious it was. That does not prove that he sustained such injuries on the top

of the lift in the elevator. Nothing connects those injuries with the accident.

Mr. HAMILTON of Michigan. The proof shows that he was carried up on the lift and that he fell.

Mr. CULLOP. Yes; and there is no proof that he received serious injury from it or the injuries described.

Mr. BUTLER. Let us have the opinion of the committee on that.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. RAKER. I ask unanimous consent that the time of the gentleman from Indiana be extended two minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that the time of the gentleman from Indiana [Mr. CULLOP] be extended two minutes. Is there objection?

There was no objection.

Mr. RAKER. Is it not to be presumed that the committee had other evidence than that, when they state in their report that the man died from these injuries?

Mr. CULLOP. But do they not show that they got the information upon which they based their report through the report from the hospital to the postmaster, and does not that report fail to show that he died from injuries received in the elevator?

That is the fact, and no one connects either of these injuries with the accident in the elevator. If they did, it would be different, but they do not connect either the ruptured kidney or the internal hemorrhage with the elevator accident or as having any connection whatever with it. Certainly if that accident did not produce it, it would not create liability on the part of the Government. They do not connect the delirium tremens with the accident. Other causes produced that condition.

Mr. BUTLER. It is not likely that the accident contributed to the delirium tremens.

Mr. CULLOP. Certainly not, and it is just as likely that the use of intoxicants aggravated the other two injuries as much as his fall in the elevator. The violence of the fall is not shown to have been sufficient to produce either, and it may have been something else that did it; some other injury that he may have received. I am opposed to the amendment of the gentleman from Tennessee, for the reason it is not shown that either the fall of the elevator produced or was the proximate cause of the death of the party, and for this reason it does not appear to my mind that the Government in this case should respond in damages.

Mr. FOSTER. I want to take a minute to state what I believe to be the facts in this case. Here was a man who was injured by this elevator.

Mr. BOWMAN. It does not say that he was injured seriously.

Mr. FOSTER. He was injured.

Mr. BOWMAN. What evidence is there of that?

Mr. FOSTER. I take it that the statement here of the postmaster is evidence of that, and the statement of his wife, which is printed in the report of this case two years ago.

Mr. BOWMAN. I do not think there is any evidence to show that he was injured.

Mr. HAMILTON of Michigan. When the evidence shows that the man was carried up to the ceiling of the lobby, from which point he fell, and then he was found to have a ruptured kidney, is there not a presumption that such a fall was sufficient to produce the ruptured kidney?

Mr. FOSTER. This man seems to have been injured, but, as stated, not sufficiently so that he required any assistance in going to his home; but the facts seem to be that after going to his home he became worse, and two days later he was taken to Fordham Hospital. Then, after being there from the 8th until the 11th, he died. I assume that in accordance with the best judgment of the surgeon an operation was performed and the ruptured kidney found to exist. It is likely, too, after his death a post-mortem was had and another examination of him was made. Now, it is more than likely that this injury produced the rupture of his kidney. There was some hemorrhage, but not sufficient to cause death within a short time.

Mr. BUTLER. The excessive use of alcohol would not produce that hemorrhage?

Mr. FOSTER. No; it would not.

Mr. MANN. One drop led to another, perhaps.

Mr. FOSTER. The condition of alcoholism might retard his recovery and was an element to be considered in this case, but the report shows that the man had a ruptured kidney, and I suppose the hospital authorities did not know of their own knowledge how he got it. They simply stated those facts, and their judgment was that the trouble of the kidney was caused by violence of some kind. The previous history of the man being injured would lead them to infer that the injury had caused it.

Mr. RAKER. If the gentleman will allow me, would not the fact of the ruptured kidney cause a good deal of pain and suffering?

Mr. FOSTER. He probably had some, and probably inflammation began there, but of course I do not know how extensive it was.

Mr. RAKER. Suppose he was injured so that he was dazed, might he not have got to his home without any assistance?

Mr. FOSTER. Oh, yes; that is not an unusual thing. People are injured in a way that appears at the time to be not of much consequence, and yet in the course of a few days they are dead. Every Member can call to mind a case of that kind which he has seen or of which he has heard.

Mr. CARTER. That was the case of the young man that was struck with a baseball a few days ago.

Mr. RAKER. Do not some physicians—I do not refer to my distinguished friend from Illinois—prescribe liquor, and if it was used extensively in the room when no nurse was present, might he not get delirium tremens in two days?

Mr. FOSTER. No; that is not correct. Delirium tremens does not come in that way.

Mr. CULLOP. Delirium tremens comes from a long and continued use of intoxicating liquors.

Mr. FOSTER. I will say in reference to this case that the facts reported show that he must have been a drinker. He might not have been drunk at the time he was injured. A man can have delirium tremens and not be drunk all the time, but he would have to be a chronic drinker to have such a trouble. The fact that he used liquor would be an element in the case, but in my judgment there was sufficient evidence here to show that the man was injured seriously enough to cause his death whether he was addicted to the drink habit or not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

Mr. AUSTIN. Mr. Chairman, I move to strike out the words "fifteen hundred" and insert the words "two thousand," so that it will read, "\$2,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 10, strike out the words "fifteen hundred" and insert in lieu thereof the words "two thousand."

Mr. AUSTIN. Mr. Chairman, I wish to say that this is the amount fixed by law for employees in the postal service. This man, while not a postal clerk, was in the postal service in connection with his duties in that post office.

Mr. MANN. Will the gentleman yield?

Mr. AUSTIN. Certainly.

Mr. MANN. The gentleman does not mean to say that the law fixes \$2,000 compensation for the loss of life in the postal service outside of railway mail clerks?

Mr. AUSTIN. That is what I understand the Postmaster General says or recommends.

Mr. RAKER. That is what he wants; that is a recommendation.

Mr. AUSTIN. Well, that is what we voted the other day.

Mr. MANN. That is in the Railway Mail Service.

Mr. AUSTIN. What did we carry in the Post Office appropriation bill the other day?

Mr. MANN. For the three sea postal clerks who lost their lives on the *Titanic*, \$2,000.

We had an item in the Post Office bill for postal clerks, under the provision of railway mail clerks, \$2,000, and we went back and applied that to the three sea postal class clerks who lost their lives on the *Titanic*.

Mr. CULLOP. It did not apply to the sea service, and so we put in that provision to make it equal with the Railway Mail Service.

Mr. AUSTIN. Well, I ask that the same amount be fixed in this case that was fixed for the sea postal clerks. In this case the widow was left with seven children, the youngest 4 years of age and all under 16 years of age.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. AUSTIN) there were 2 ayes and 36 noes.

So the amendment was lost.

Mr. AUSTIN. Mr. Chairman, I do not raise the point of order of no quorum in this case for the reason that a member of the committee stated that they had some doubt as to how this man lost his life.

The Clerk read as follows:

To pay \$698.99 to Richard W. Clifford for permanent injuries to his leg, received at the United States Arsenal at Springfield, Mass.

Mr. MANN. Mr. Chairman, I move to strike out, in lines 14 and 15, the words "six hundred and ninety-eight dollars and

ninety-nine cents" and insert in lieu thereof the words "one hundred and eighty-five dollars."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 14 and 15, strike out the words "six hundred and ninety-eight dollars and ninety-nine cents" and insert in lieu thereof the words "one hundred and eighty-five dollars."

Mr. MANN. Mr. Chairman, the amount carried in the bill of \$698 I think is one year's pay. I believe that is the way they arrive at it—\$2.23 a day. The department, in reporting on this bill, says that this man had through his injury lost 45 days' pay, amounting to \$100, and the hospital and medical expenses amounted to \$85, and the entire loss was about \$185.

The report would seem to indicate that the man was injured so that he could not work thereafter very satisfactorily, and the department also said that during the year following the injury he was absent from the armory less than six days on account of illness, which does not seem to indicate that he had any great loss on account of it.

The department further says that in the judgment of the Judge Advocate General this case is a meritorious one to the extent of the loss sustained by the complainant, amounting as above stated to \$185.

Here is a man who incurs a slight injury which causes his absence from work 45 days with a loss of \$100, and they pay him that and his hospital and medical expenses, which is not usual, of \$85 more.

Mr. POU. Let me say to the gentleman from Illinois that the committee accepts his amendment.

Mr. AUSTIN. I would like to ask the gentleman how he arrives at the amount that they strike out of the bill.

Mr. RAKER. One year's services.

Mr. FOWLER. Mr. Chairman, I would like to read a little of that report. I am not in favor of allowing an injured man to be cut down entirely as this amendment does. The report says:

Physicians and an ambulance were called and he was taken to the Mercy Hospital, his name being checked off the pay roll as the ambulance passed out of the gates of the armory grounds. The commandant, Col. S. E. Blunt, subsequently gave \$10 of his own funds for the payment of the physicians and the ambulance called.

The wound gave much trouble, and a number of bone splinters had to be removed, and for several weeks Clifford was in the hospital. He returned to work on December 23. He has had trouble with his leg continually since then and has been much reduced in earning capacity. He has lost some time by illness, especially one long period of typhoid fever, which was partially ascribed to his weakened constitution.

Now, Mr. Chairman, if this man was injured—

Mr. HAMILTON of Michigan. The gentleman ought to read the next paragraph referring to the hospital bill. Put that in, too.

Mr. FOWLER. I supposed the gentleman from Illinois read that. I so understood that he did, but I am calling the attention of the committee to an injured leg from which pieces of bone were taken out and a leg which has continually given this man trouble, and to allow him simply for the time he lost—

Mr. HAMILTON of Michigan. I simply suggested to the gentleman, and he did not catch the force of my suggestion, that he add \$64 hospital bill and \$26 medical attendance, which almost amounts to what the gentleman from Illinois proposes to give him by this amendment, and in addition to that he had typhoid fever and a splintered bone, making a permanent injury.

Mr. FOWLER. I included that.

I am not, Mr. Chairman, talking about giving him compensation for what outlay he was compelled to make in and about his recovery, but I am talking about the permanency of his injury. The man who never had a permanent injury does not know how to sympathize with a man who has. That man who has never gone through life dragging a lame leg from his work to his home does not know the hardships which are entailed upon that poor man. Here is a laborer, a man dependent upon his labor for the support of himself and his family, with a broken leg, with bones taken out and that leg continually causing him trouble ever since. Now, Mr. Chairman, of course this amount is nothing to me personally, but I do say, Mr. Chairman, that it is unfair to the injured man to cut the compensation, as the gentleman from Michigan well says, to an amount at or about that which he has expended in endeavoring to be cured of his injury. I hope, Mr. Chairman, that the gentleman from Illinois will withdraw his amendment to this bill.

Mr. RAKER. Will the gentleman yield? I want to call his attention—

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Illinois who last spoke referred to this as a permanent disability and the report shows it was not. This is one of the few items upon which the full committee disagreed at the time. I

voted in favor of the amount, in accordance with that now advocated by the minority leader, and propose to support it at this time.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced the ayes seemed to have it.

On a division (demanded by Mr. FOWLER) there were—ayes 30, noes 8.

So the amendment was agreed to.

The Clerk read as follows:

To pay \$5,000 to Rose B. Armour, widow of Samuel A. Armour, who lost his life in the discharge of his duty at Sperry Light, in the harbor of New Haven, Conn.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. POU. Mr. Chairman, before the gentleman makes that motion I ask unanimous consent to go back to section 4 and strike out the word "permanent."

Mr. MANN. That is in line 8.

Mr. POU. In line 15, so as to strike out the word "permanent," page 2, line 15.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to page 2, line 15, and strike out the word "permanent." Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, this is an item to pay the widow of a lighthouse keeper \$5,000. Five thousand dollars to this woman will undoubtedly be some help to her, but after all very little compensation for the loss of her husband. This man was in the Lighthouse Service, not so dangerous a service as the Life-Saving Service. If he had been in the Life-Saving Service at the time this accident occurred and lost his life his widow would have received one year's pay. Since that time we have amended the law as to the Life-Saving Service and provided for two years' pay in case of loss of life. Those men are compelled to do their work in time of danger. Now, here is a lighthouse keeper who, believing that he should go from the shore to the lighthouse station, lost his life in that attempt, and there will be no compensation under the general compensation act because the lighthouse keepers were not included in that as hazardous employment. Upon what basis can the committee defend an appropriation of \$5,000 to a widow of a lighthouse keeper who lost his life in a special case when for a more hazardous service under the general law we make provision for a smaller amount? It is impossible to fairly and justly legislate in Congress as a matter of special favoritism. I shall not move to amend the amount, because with all kindness to the gentlemen who are here this afternoon I appreciate the fact through years of experience with claims that most, if not all, of the gentlemen here—nine-tenths of them, at least—have claims on the Claims Calendar, and they stick together. But let me warn the Committee on Claims and the House that when they attempt to legislate in special cases as a mere matter of favoritism their bills have a rocky road to travel before they are signed by the President and become the law.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn and—

Mr. RAKER. Mr. Chairman, I think this special case deserves to go in the RECORD as part of my remarks and I desire to insert in the RECORD the report of the committee in regard to this item in the bill.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

This is a case in which Samuel A. Armour, keeper of the Sperry Lighthouse, off the port of New Haven, Conn., in the discharge of his duties, on January 8, 1907, in a small boat, had carried ashore one Walter Gill, who had been at the station repairing the fog-signal engines. The said Samuel A. Armour in attempting to return to his post through a howling wind and raging sea was drowned, and his body was not recovered until several weeks after. According to the evidence submitted, Capt. Armour realized that the trip back to his post would be a perilous one, but did not regard his own safety, as his duty required him to be back in charge of his lights, which were especially needed in such a storm. He lost his life in public service, but all through the long, dark night Mrs. Rose B. Armour, his wife and the claimant under H. R. 7224, kept the lights burning just as her husband had always done. She was alone in the lighthouse and did her duty. The Hon. Oscar S. Straus, Secretary of the Department of Commerce and Labor, under date of February 4, 1908, heartily endorsed the bill for \$10,000. Your committee, recognizing the peril of official duty performed in time of peace, believe that the dependent family should receive governmental assistance in the same degree as is based on our present pension laws, and we therefore heartily recommend that a bill carrying the sum of \$5,000 for the relief of Rose B. Armour do pass.

Mr. RODDENBERRY. Mr. Chairman, I desire to offer an amendment; page 2, line 18, strike out the word "five" where it occurs and substitute therefor the word "two."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 18, strike out the word "five" and insert in lieu thereof the word "two."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the Chairman announced the yeas seemed to have it.

On a division (demanded by Mr. RODDENBERRY) there were—ayes 16, yeas 21.

Mr. RODDENBERRY. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty Members are present—

Mr. RODDENBERRY. Mr. Chairman, I withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Georgia withdraws the point of no quorum.

Mr. BARTLETT. Mr. Chairman, I move to amend by striking out the word "five" and inserting the word "three."

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 18, strike out the word "five" and insert in lieu thereof the word "three."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To pay \$52.50 to Albert W. Phelps for permanent loss of time and injuries received in the United States armory at Springfield, Mass.

Also the following committee amendment was read:

Page 3, line 23, insert after the word "permanent" the words "loss of time and."

Mr. AUSTIN. What was the character of the injuries that the committee valued at \$52.50?

Mr. POUL. I will say to the gentleman that is all that is asked for.

Mr. AUSTIN. I would like to know what it was. If you are valuing a human life at \$420, that was probably the loss of a leg.

Mr. MANN. He was knocked down by a belt and his head cut in two places.

Mr. LEVY. I think he was away only one day.

Mr. POUL. He was knocked down and as a consequence was out from May 13, 1908, to June 24, 1908.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken and the committee amendment was agreed to.

The Clerk read as follows:

To pay \$500 to Raymond R. Ridenour for injury to his hand while in the discharge of his duty on the Isthmus of Panama.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This man lost his thumb and forefinger, which are not very nice things to lose.

Mr. BUTLER. They are pretty useful, especially when you have got to wind your watch at night.

Mr. MANN. Well, most people have another thumb and forefinger. What is the basis on which you pay him \$500? This man had no serious injury. He lost no serious amount of time.

Mr. WILLIS. Perhaps I can give the gentleman some information. It is not my bill, I will say. It was introduced by my colleague from Ohio [Mr. TAYLOR], but he is necessarily absent.

Mr. MANN. Though he may be absent he is still present, because he has three items in this bill.

Mr. WILLIS. I know he has. He is very active in behalf of his constituents.

Mr. MANN. That is as many probably as any three here together have.

Mr. BUTLER. I wonder how he gets them reported.

Mr. WILLIS. I have here a statement from Mr. Ridenour, the beneficiary under this bill, that may throw a little light on the subject. He was hurt in the shops at Gorgona, and in a letter he makes this statement concerning the injury, somewhat similar to the statement that appears in the committee report:

I was hurt in Gorgona shops on the 17th day of November, 1906. It happened one Saturday while I was cleaning my machine. The oiler neglected to oil the loose pulley on the countershaft, causing it to stick and start up without warning, catching my thumb and forefinger in gears, mashing them entirely off.

Here is a part of the statement which, to some extent, will answer the inquiry of the gentleman from Illinois:

Although I worked several months on the Isthmus after my injury I have not been able to secure work at my trade and have been forced

to seek other employment at less wages. Also, I am unable to pass any physical examinations for railroad or other work where an examination is necessary.

In other words, this man is a machinist, and the injury which he has received, the loss of the thumb and forefinger of the left hand, incapacitates him for that work, and he finds he is unable to pass an examination for railroad work. And while I am not a member of the committee, I presume the committee took that into consideration, namely, that it was a permanent injury to this man and incapacitated him for the performance of the duties of his trade.

Mr. MANN. And yet if he had received this injury after May 30, 1908, he would have received and taken without question one month's pay. But because he did not receive his injury until after May 30, 1908, but received it in the latter part of 1906, it is proposed to give him several months' pay. Now, upon what claim of justice can that be based?

Mr. WILLIS. Does the gentleman think an allowance of \$500 for the loss of thumb and forefinger for a man whose trade is that of machinist an unreasonable allowance?

Mr. MANN. There is no compensation sufficient for a man who loses one of his members, if that is what the gentleman asks. But there is a provision of general law, which now remains in the statute books, for compensation to employees on the Panama Canal, fixing the rate of compensation. I have tried to have that enlarged. It has not yet been done. But so long as it remains there, no one can bring any bills for amounts larger for people who have suffered since May 30, 1908. Now you propose, as a matter of comity, to extend the provisions of that act back to May 30, 1908, and to double or treble the compensation because it occurred prior to May, 1908, whereas if it had occurred after that there would be no question about the compensation.

Mr. WILLIS. The gentleman evidently has not listened to his colleague, because his colleague from Illinois stated a number of times that in the deliberations of the committee, reference was had not only to the law, but to the equity in the case. Now, here is a man who is permanently disabled that can not do the work he has learned to do. He is a machinist, and if he earns a living he has got to learn some other trade. He is incapacitated, and, as I recall the statement of my colleague [Mr. TAYLOR], it was to this effect, that he had personal knowledge that this man had sought to get employment in railroad work and had failed because of his injury. So that this is an illustration of the application of well-recognized principles of justice and equity—not the letter of the law but the spirit of the law shall rule.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. The gentleman knows it is not possible for this House to go on this sort of basis of equity in these cases.

Mr. WILLIS. I was following the statement of the gentleman's colleague, a member of the committee.

Mr. MANN. Well, that is a matter of opinion. The gentleman here would propose to take a similar case to those that have occurred since May 30, 1908, and there are plenty of them, and increase the compensation.

There have been many people injured on the Panama Canal work since May 30, 1908, who have taken the compensation allowed by the compensation act. Has anyone introduced a bill to enlarge that amount in any particular case? I guess not; but you propose to treat cases happening before 1908 on a different basis from those that have happened later and to pay a larger amount. I do not believe anybody can justify it.

Mr. WILLIS. How does the gentleman make his estimate? He made a statement of what would be received under the present law.

Mr. MANN. I said the man would receive one month's pay, at the rate of 65 cents an hour, but I did not estimate the amount.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. I would like to have one minute more.

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] asks unanimous consent to proceed one minute longer. Is there objection?

There was no objection.

Mr. WILLIS. It seems to me, Mr. Chairman, that while recognizing the fact that no doubt the gentleman from Illinois has stated technically the letter of the law, here is a case that ought to appeal to the humanity of this House. Here is a man who is a machinist, a hard-working laboring man, and without any fault of his own, while at his post of duty, he received this permanent injury. It is not just a little disability that can be cured, but he has lost the thumb and forefinger of his left hand.

Now, then, as a machinist, obviously, he can not work at his trade. He is disqualified for that, and as a railroad man, although he has had experience in that work, he is also disqualified for that. It seems to me this allowance of \$500 is not unreasonable; in fact, it ought to be much larger.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Yes.

Mr. RAKER. I have been reading the report on this matter—the report of the committee—and seeking the statement that this man was unable to do any work in the line that he followed for years, and there is nothing in it to that effect.

Mr. WILLIS. The gentleman did not understand me correctly. I have read from the man's letter addressed to my colleague [Mr. TAYLOR]; and also my colleague, as I recollect it, had a personal interview with this man, in which he stated that he had endeavored to get work, and because of this accident he was unable to do so.

Mr. RAKER. What was his business? Does the gentleman know?

Mr. WILLIS. He was a machinist and was permanently injured while working in the great railroad shops at Gorgona.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn.

Mr. RODDENBERRY. Mr. Chairman, I desire to offer an amendment:

On page 3, line 5, strike out the words "five hundred" and insert the words "one hundred."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. RODDENBERRY].

The Clerk read as follows:

On page 3, line 5, strike out the words "five hundred" and insert the words "one hundred."

Mr. AUSTIN. Mr. Chairman, what has become of the motion of the gentleman from Illinois on the preceding claim? That has not been acted upon, as I understand it.

The CHAIRMAN. That was a pro forma amendment. That was withdrawn.

Mr. WILLIS. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. WILLIS. Mr. Chairman, I would do anything—

Mr. RODDENBERRY. Mr. Chairman, before the gentleman begins, I want to ask unanimous consent to withdraw that amendment and offer the following amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. RODDENBERRY] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. RODDENBERRY. On page 3, line 5, strike out the words "five hundred" and insert in lieu thereof the words "one hundred and seventy-five."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. RODDENBERRY].

The Clerk read as follows:

On page 3, line 5, strike out the words "five hundred" and insert in lieu thereof the words "one hundred and seventy-five."

Mr. WILLIS. Mr. Chairman, I have sought to be reasonable and conservative in these various amendments that have been offered here in the committee, but it seems to me, Mr. Chairman, that that amendment is utterly unfair and in its terms ridiculous. Here is a laboring man, a man that works not simply with his head, but works with his hands; and, at his post of duty, without any fault of his own whatsoever, but because somebody else neglected his duty, because another employee had neglected the performance of his duty, and neglected properly to oil the shafting, the pulley sticks, and the man loses his thumb and forefinger on his left hand.

Now, Mr. Chairman, it seems to me that it is perfectly absurd to say to this American laboring man who was injured, and permanently injured—not temporarily injured, but, I repeat, permanently injured—and so injured as to disqualify him for the performance of the work at his trade, namely, that of a skilled machinist; I say it seems to me, Mr. Chairman, it is almost ridiculous for this Congress to say to this man that he is to receive for such a loss as that—for dismemberment, for an injury that disqualifies him for his work—the pitiful, paltry sum of \$175. This man is asking for help simply because he has been disqualified for work. He is a hard-working man, and wants to work; and yet by the amendment of the gentleman from Georgia you say to this man, who has lost his thumb and forefinger of his left hand, so that he can not work as a machinist any longer—you propose, if you adopt the amendment offered by the gentleman from Georgia, that he shall have

only \$175. Mr. Chairman, it seems to me that that is parsimonious, unfair, and unpatriotic. I do not believe that this House intends to do such an unfair and unreasonable thing as that. Are you willing to say that the hand of an American workman is worth only \$175? I am not.

Now I yield to the gentleman from New York [Mr. REDFIELD].

Mr. REDFIELD. I happen to have employed a great many men of this kind myself, and I want to say that \$175 would not more than represent what this man would lose every four months as long as he lives by the difference in wages for which he would have to work all his life long on account of his injury.

Mr. BARTLETT. Mr. Chairman, I believe that I have as much sympathy in my nature as the average Member of Congress or as the average man, and misfortune and suffering always appeal to my sympathies. But the United States Government is not liable, and never has been liable, to pay its employees anything on account of injuries received in its service. The rule of respondent superior never was intended to apply to the Government of the United States. But Congress, in reference to those engaged in dangerous work in the Government service, has modified that universal rule of law so as to compensate in a certain degree those who are injured while engaged in such employment. It has discarded the rule against liability applied to all governments, city, State, county, and national, on that subject, and has said it will pay a certain amount, in some cases one year's wages or two years' wages, or the wages lost during the time the employee is disabled from work. So that it does not do, nor is it the proper spirit, I think, to undertake to charge up a liability against the United States as you would against the ordinary employer under the law of master and servant. Whatever is paid is a pure bounty that the United States confers upon those engaged in its service, because it was the right of the Government to say whether it would pay anything or not. It is a pure gratuity which we are giving to these people. I think it is proper that we should give it to them. But there is no legal obligation resting upon the Government of the United States to pay for injuries. It is a mere gift.

Mr. AUSTIN. May I ask the gentleman a question? I think he asked me a few when I was on the floor.

Mr. BARTLETT. Yes; and the gentleman declined to answer.

Mr. AUSTIN. Oh, no.

Mr. BARTLETT. Go ahead.

Mr. AUSTIN. Do you believe in passing a law by Congress which will force the corporations of this country to pay their employees for the loss of life or limb by accident during such employment?

Mr. BARTLETT. I believe every sovereignty that has the duty to enact laws should do away with the old, brutal, common-law rule of fellow servant and inaugurate a law that wherever an employee is injured and has not contributed to that injury the employer should be made to pay for it. My State has for nearly a hundred years had such a law on its statute books. I voted for the employers' liability law, which fixed a liability upon railroads engaged in interstate commerce, but I do not propose to vote for the bill which the Senate has passed and sent to this House, known as the employees' compensation law, which destroys the right of railroad employees to obtain compensation under the present employers' liability act and fixes compensation at very inadequate rates.

Mr. AUSTIN. If it is right and just to compel corporations to pay their employees for injuries which result from accident, why should not the Government apply the same kind of a rule to its own service?

Mr. BARTLETT. Because the Government is engaged in a different kind of business. The Government of the United States is not the same kind of employer as a railroad.

Mr. AUSTIN. It is operating a railroad on the Isthmus of Panama.

Mr. BARTLETT. Temporarily, yes; and I hope it will soon go out of the business of operating a railroad on the Isthmus of Panama, or in any other portion of the country. I do not think it is the business of the Government to operate railroads.

Mr. AUSTIN. But there are a number of places, in arsenals and in other places where machinery is employed, where the liability of the employee to injury is as great as it is in the service of any private corporation.

Mr. BARTLETT. We have provided a law for the compensation of employees so injured, and if there is any particular case that appeals to the generosity of the Government Congress can take care of such a case; but here in this bill we are undertaking to pay people according to a certain well-defined policy of the Government, now established, and if the gentleman wants

to change the law let him introduce a bill and ask to have it passed.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. I would like two minutes more to call attention to this particular case.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BARTLETT. Now, the \$175 proposed in the amendment will not compensate the man for the loss of his finger and thumb, nor will \$500, the amount reported by the committee, because when a man sues in court he has a right to recover for the pain and suffering and for the mutilation of his person. That compensation is exacted of the employer on account of the negligence of himself or his agent.

This man was absent from his work 23½ days. It does not appear that he is unable to do work now. He has simply suffered the mutilation—the loss of his finger and his thumb. In my judgment it is not proper to put upon the Government of the United States the same rule of compensation, in the way of compensating for pain and suffering and for mutilation of the person, that you put upon the private employer, like a railroad or manufacturing corporation. I think this amendment ought to pass.

Mr. TAGGART. Mr. Chairman, it is beneath the dignity of the United States to offer \$175 to a man who has lost one of his hands. [Applause.] If we are going to give him anything at all, we ought not to insult the intelligence of a mechanic. We ought not to say to him that we will offer him \$175 for one-half of his capacity. For that reason I propose to vote against this amendment. We are not setting precedents now. There will be very few of these cases coming up, because the statute of 1908 covers most of them. I shall never vote for an amendment that will offer only \$175 to a mechanic whose hand has lost its cunning as the result of an accident. Therefore I am opposed to the amendment and in favor of the bill as it stands, giving him at least \$500.

Mr. RAKER. Mr. Chairman, I do not want to take the time of the committee, but I do want to say one word. If we recognize any liability and place this amount at \$175, we have not considered the injury or the damage done to this man. If you give him anything, you ought to at least put it somewhere near the amount that he is entitled to. Just stop and think, gentlemen; there is no question of precedent here. The man has lost his thumb and the forefinger of his left hand. He is a mechanic, and you say to him that the loss of that part of his hand is worth \$175 to his future capability of earning a livelihood. You are acting as jurors in this case for this man. In any court of the land, would you think of bringing in a verdict of \$175 for the loss of a man's earning capacity?

Mr. CULLOP. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. CULLOP. If you were sitting as a juror, there would have to be some cause for the liability before you would render a verdict, would there not?

Mr. RAKER. Clearly.

Mr. CULLOP. In the report, if the gentleman has read it, he will see that this man was sent to the hospital for treatment immediately after the accident occurred, and made no statement. "Was accident due to negligence of injured person, or whom? No one."

Now, if you sat on a jury with that as the evidence, you would not return a verdict for the plaintiff. If you did, you would do it in violation of law and the instructions of any court that would instruct a jury upon that question.

Mr. RAKER. But when you vote to give this man \$175 you vote that he was not negligent. You fix the price of the loss of a thumb and a finger at \$175, conceding that there was no negligence on his part when the injury was done. You must concede that before you can pay him a cent.

Why, I saw a jury in the city of San Francisco render a verdict of \$1,000 for a man that had the third finger of his right hand bent back. He was an Italian and claimed that he was unable to do the work in the future. I thought the verdict was just. He was reaching up to oil the machine and the belt slipped and brought his hand back in this way, and the jury gave him, as I say, \$1,000.

Conceding that there was no negligence on the part of this man, the point I want to present to the House is that if you give him a cent you must necessarily find that there was no negligence on his part when you award him any amount of damages.

Mr. FOWLER. Mr. Chairman, on that point a Chicago jury rendered a verdict of \$5,000 for the loss of a little finger.

Mr. RAKER. And I want to say, in addition to that, here is a mechanic who must necessarily use his forefinger and thumb of the left hand if he becomes efficient. You are taking from that man the very thing that is necessary for him to earn a competency thereafter. It seems to me that it is trifling. It seems to me that it is saying to the laboring man, a man that is a mechanic, "we concede that you were not negligent. We have conceded that you are not in the wrong. We say to you that the loss of a thumb and a finger of the left hand of a mechanic is only worth \$175."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was lost.

The Clerk read as follows:

To pay \$1,500 to the heirs of Charles E. Stamp, who lost his life from injuries received while in discharge of his duties on the Isthmus of Panama.

Mr. AUSTIN. Mr. Chairman, I would like to ask the chairman if this is a year's pay, and what business he was engaged in at the time of the injury?

Mr. MANN. He was a railroad conductor, and this is a year's pay.

Mr. POU. Under the act of May 30, 1908, a year's compensation would be given him. We based the report on that fact.

Mr. AUSTIN. How much of a family did he leave?

Mr. MANN. He was married and left a widow.

Mr. POU. He left a widow.

Mr. AUSTIN. Mr. Chairman, I move to strike out the words "one thousand five hundred" and insert the words "five thousand."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 8, strike out the words "one thousand five hundred" and insert in lieu thereof the words "five thousand."

The question was taken, and the amendment was lost.

Mr. AUSTIN. Mr. Chairman, I move to strike out the words "one thousand five hundred" and insert the words "three thousand," the amount that the committee voted for the widow of the lighthouse keeper.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "one thousand five hundred" and insert in lieu thereof the words "three thousand."

The question was taken, and the amendment was lost.

The Clerk read as follows:

To pay \$1,500 to Charles T. Hanson for injuries to his right foot while in the employ of the War Department in the Quartermaster's Department, at Boston, Mass.

The CHAIRMAN. The question is on the committee amendment, which the Clerk will report.

The Clerk read as follows:

On page 3, line 16, strike out the words "injuries to" and insert in lieu thereof the words "loss of," so that it will read: "loss of his right foot."

The committee amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In this case the claimant, Charles T. Hanson, was a deck hand on one of the boats of the Quartermaster's Department at Boston. He is said to have received injuries which necessitated the amputation of his right foot. The bill carries \$1,500 for him. That, of course, is not based on the compensation of a year's salary. The very next case carries \$1,500, although in the report it is printed \$730. I do not know whose error that is; whether the amount is increased or not.

Mr. REDFIELD. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. REDFIELD. The error is my own. The bill was introduced in ignorance of the man's financial losses, and it was introduced only on the basis of one year's pay. I have received a statement of Attorney General Bonaparte, which I have here, although it is not a part of the record, from which it appears that the man suffered actually the loss of \$322 in addition to a reduction of his rating for one year and eight months. In consideration of those facts, in addition to his having lost his foot, the committee saw fit to put him on a level with the other man.

Mr. MANN. In the case before the committee a deck hand is to be paid \$1,500 for the loss of a right foot. He was employed at the rate of \$45 a month, and since the loss of his foot he has been placed in the classified service and his pay increased to \$60 a month. Now, upon what basis does the committee arrive at its conclusion? If the law had been applicable he would have received one year's pay, at \$45 a month. He lost his foot, not through the negligence of the Government, and then the committee proposes to pay him \$1,500, although the loss of his right foot has given him a Government job at \$60,

an increase of \$15 a month more than he was getting before, and a permanent place in the classified service. In the next case, referred to by the gentleman from New York, a bill was introduced for \$730, one year's pay, and the bill reported to the House now carries \$1,500. Why, they have gone crazy on the subject of compensation. Gentlemen want to pay two or three times as much compensation in special cases, because Members of Congress introduce bills and chase after the committee, than the law would allow, and if the law allowed it in these cases no one would introduce a bill. The committee has not endeavored to report cases that are covered by the general law, yet they propose to pay two or three times as much to men whose accidents occurred before the law took place, one of whom obtained a better job and a permanent life job from the Government because of his accident.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

Mr. RODDENBERRY. Mr. Chairman, I desire to offer an amendment. On page 3, line 15, strike out the words "one thousand."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 3, line 15, strike out the words "one thousand."

Mr. RODDENBERRY. Mr. Chairman, just a moment. So far as \$1,500 being a compensation for the loss of a limb, as measured by the standard usually obtaining in our courts, it is wholly inadequate. The same statement would apply to all of these cases. Distinguished gentlemen oppose amendments to reduce these claims, as stated by them, on the idea that the Government can not afford to be niggardly. Gentlemen can not insist on the Government paying the same measure of damage as corporations and then ask us to pass this bill. What the Government should pay and the corporation should pay is measured by different standards. I offer this amendment, which proposes to give to this man \$500 on account of the loss of his leg. It is not full compensation, neither is \$1,500, by the standard of measuring damages by courts and juries. It is to be observed that this claimant was getting about \$45 a month at the time of his injury and he is now getting from the Government \$60 a month, with a permanent job.

Mr. POUL. If the gentleman will permit, does the gentleman think a man ought to be made subject to a penalty because, in his maimed condition he has equipped himself to do good service and work?

Mr. RODDENBERRY. Not at all.

Mr. POUL. That seems to be the contention of the gentleman.

Mr. RODDENBERRY. He is now drawing \$60 a month. The matter was reported on by the War Department, and you will find on page 32 of the report a full statement of the case. The Judge Advocate General writes:

The claim is believed to be meritorious for a proper measure of relief, but it is believed the amount paid should be adjusted to the requirements of the permanent law.

Now, if this claim were adjudicated upon under the act of 1908, which is the permanent law, he would get about \$500.

Mr. BARTLETT. Five hundred and forty dollars.

Mr. RODDENBERRY. And under general law that would be all he would get, even if he had lost the leg and had no artificial limb and had no employment. Other injured employees of the Government are compensated under the general law. There is no reason why favoritism should be shown in this or any case by special legislation. Now, to the justice of this case. This man has employment. He received his injury prior to 1908, and under present law he is entitled to nothing at all, nor was he at the date of injury. I can not perceive the justice or the equity in incorporating in an omnibus bill a special act for one man, giving him \$1,500 for the loss of a limb, when if injury had happened in 1909 or any year afterwards under existing law he would be entitled to but \$540.

This claimant received his injury in 1905, and at that time there was no legal recognition of such claims for payment. In view of both the law and facts, neither sound reason nor wise policy justifies the committee to antedate the enactment of the general law and specialize by giving this individual \$1,500, while others similarly situated, except as to time, are allowed but \$500. To me such action appears wholly without defense on the basis of justice, on the basis of common sense, on the basis of fairness, or any basis or any standard, legal or moral, that can be set up. The gentleman from California, I believe, stated that to offer a man \$175 for loss of a thumb was beneath the dignity of the United States. Measured by that standard, \$420 which was voted for in the bill a few moments ago to a widow for the loss of her husband is beneath the dignity of the United States,

yet it is in accord with the existing law that the Congress has passed for such cases and by which we are bound.

This claimant has no general legal status whatever entitling him to any sum. The amendment I propose gives him the same compensation as the law gives all others. It is the amount persons with like injury can lawfully claim, although such persons may be wholly disabled and without employment. Why, then, should this claimant have more than other unfortunates, especially in view of the admitted facts in the record showing that this claimant is now and for more than five years has been continually drawing a salary from the Government of \$60 per month? Others for loss of leg are allowed one-third as much and are not so fortunate as to have permanent Government employment at fair monthly salary. I submit the amendment to the wisdom of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. RODDENBERRY. Mr. Chairman, I ask for a division.

The committee divided; and there were—yeas 9, yeas 20.

Mr. MANN. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty-two gentlemen are present, not a quorum. The Clerk will call the roll.

The roll was called, and the following-named Members failed to answer to their names:

Adair	Ellerbe	Korbly	Reilly
Akin, N. Y.	Estopinal	Lafean	Reyburn
Alexander	Fairchild	Lafferty	Richardson
Ames	Farr	Lamb	Riordan
Anderson, Minn.	Ferris	Langham	Roberts, Mass.
Anderson, Ohio	Fields	Langley	Roberts, Nev.
Andrus	Fitzgerald	Lawrence	Robinson
Ansberry	Flood, Va.	Lee, Pa.	Rodenberg
Anthony	Focht	Legare	Rothermel
Ashbrook	Fordney	Lever	Sabath
Ayres	Foss	Lindsay	Saunders
Barchfeld	Fuller	Linthicum	Scully
Barnhart	Gallagher	Littlepage	Sells
Bates	Gardner, Mass.	Littleton	Shackelford
Bathrick	Gardner, N. J.	Longworth	Sharp
Beall, Tex.	George	Loud	Sheppard
Berger	Gillett	McCall	Sherley
Blackmon	Glass	McCoy	Sherwood
Boehne	Goeke	McCreary	Simmons
Booher	Goldfogle	McDermott	Sims
Bradley	Gould	McGillicuddy	Sisson
Brantley	Greene, Mass.	McGuire, Okla.	Slayden
Brown	Gregg, Tex.	McHenry	Slemp
Browning	Griest	McKellar	Small
Buchanan	Gudger	McKenzie	Smith, Saml. W.
Bulkley	Guernsey	McKinley	Smith, Cal.
Burgess	Hamill	McMorran	Smith, N. Y.
Burke, Pa.	Hanna	Maher	Smith, Tex.
Burke, S. Dak.	Hardwick	Malby	Sparkman
Burleson	Hardy	Martin, Colo.	Speer
Calder	Harris	Martin, S. Dak.	Stack
Callaway	Harrison, Miss.	Mathews	Stedman
Campbell	Harrison, N. Y.	Mars	Stephens, Nebr.
Cannon	Hawley	Miller	Sulloway
Carlin	Hay	Mondell	Sulzer
Cary	Hayden	Moon, Pa.	Switzer
Catlin	Helgesen	Moore, Pa.	Taggart
Clark, Fla.	Helm	Moore, Tex.	Talbot, Md.
Claypool	Henry, Conn.	Morrison	Talcott, N. Y.
Clayton	Henry, Tex.	Morse	Taylor, Ala.
Conry	Hensley	Mott	Taylor, Colo.
Copley	Higgins	Murray	Taylor, Ohio
Covington	Hill	Needham	Thistlewood
Cox, Ind.	Hinds	Nelson	Towner
Cox, Ohio	Hobson	Olmsted	Townsend
Crago	Holland	O'Shaunessy	Tribble
Cravens	Houston	Padgett	Turnbull
Crumpacker	Howard	Palmer	Tuttle
Curley	Howland	Parran	Underwood
Currier	Hubbard	Patten, N. Y.	Utter
Curry	Hughes, Ga.	Patton, Pa.	Vare
Dalzell	Hughes, N. J.	Payne	Vreeland
Danforth	Hughes, W. Va.	Peters	Weeks
Davenport	Humphrey, Wash.	Pickett	Whitacre
Davidson	Humphreys, Miss.	Plumley	White
Dent	James	Porter	Wickliffe
Diffenderfer	Johnson, S. C.	Post	Wilson, Ill.
Donohoe	Kahn	Powers	Wilson, N. Y.
Doughton	Kent	Pray	Wilson, Pa.
Draper	Kindred	Prince	Witherspoon
Driscoll, D. A.	Kinkaid, N. J.	Prouty	Wood, N. J.
Driscoll, M. E.	Kitchin	Pujo	Woods, Iowa
Dupré	Konig	Randell, Tex.	Young, Mich.
Dwight	Konop	Randell, La.	Young, Tex.
Dyer	Kopp	Rauch	

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property, and had found itself without a quorum, where-

upon he ordered the roll to be called, and reported the list of absentees to the House.

The SPEAKER. One hundred and thirty-one Members are present—a quorum.

During the roll call the following occurred:

Mr. GREEN of Iowa. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. Is the call on a vote on this amendment?

Mr. BARTLETT. Mr. Chairman, I make a point of order that the roll call can not be interrupted.

The CHAIRMAN. The point is well taken.

After the roll call:

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. The Chair designates as Speaker pro tempore for to-morrow the gentleman from Tennessee [Mr. SIMS].

BILLS ON PRIVATE CALENDAR.

The SPEAKER. The House resolves itself automatically into the Committee of the Whole House for the purpose of considering bills on the Private Calendar, and the gentleman from Missouri [Mr. HAMLIN] will take the chair.

Mr. POUL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. HAMILTON of West Virginia having taken the chair as Speaker pro tempore, Mr. HAMLIN, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill (H. R. 23451) to pay certain employees of the Government for injuries received while in discharge of their duties, and other claims for damages to and loss of private property, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. BOURNE, and Mr. SIMMONS as the conferees on the part of the Senate.

The message also announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes;

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year; and

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 6009) to increase the limit of cost of the United States post-office building at Huron, S. Dak.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 1. An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWN, for six days, on account of illness in his family.

To Mr. HELM, for two weeks, on account of important business.

ADJOURNMENT.

Mr. POUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Sunday, May 12, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Elizabeth River, N. J. (H. Doc. No. 750); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting an appropriation claim of Arnett's Docks for damages by collision with U. S. steel dredge *Navesink* on February 2, 1912 (H. Doc. No. 751); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 20684) providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation, in the State of Idaho, reported the same with amendment, accompanied by a report (No. 691), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PATTEN of New York, from the Committee on Military Affairs, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc., accompanied by a report (No. 692), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNER, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange, or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof, reported the same with amendment, accompanied by a report (No. 694), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 24227) to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-building acts, and for other purposes," approved March 4, 1909, reported the same without amendment, accompanied by a report (No. 695), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6009) to increase the limit of cost of the United States post-office building at Huron, S. Dak., reported the same without amendment, accompanied by a report (No. 693), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 22756) granting an increase of pension to Charles G. Scott, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAY: A bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. BURKE of Wisconsin: A bill (H. R. 24451) to provide an appropriation of \$400 for the paving of certain alleys adjoining the United States post-office site at Watertown, Wis.; to the Committee on Appropriations.

Also, a bill (H. R. 24452) granting restoration of pensions to certain remarried widows; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 24453) providing for a commission to settle certain claims between the United States Government and the Sisseton and Wahpeton Indians and the Sioux of the Medawakanton and Wahpakoota Bands; to the Committee on Indian Affairs.

Also, a bill (H. R. 24454) to authorize the allotments of land within the limits of the Fort Berthold Indian Reservation in the State of North Dakota; to the Committee on Indian Affairs.

Also, a bill (H. R. 24455) providing for the erection of a suitable memorial in memory of Maj. Gen. George A. Custer at Mandan, N. Dak.; to the Committee on the Library.

By Mr. TAYLOR of Colorado: A bill (H. R. 24456) to make the second Sunday in May of each year a public holiday, to be called "Mothers' Day"; to the Committee on the Judiciary.

By Mr. McKELLAR: A bill (H. R. 24457) appropriating \$250,000 for levee work on the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. PATTEN of New York: A bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.; to the Committee of the Whole House on the state of the Union.

By Mr. HOUSTON: A bill (H. R. 24459) providing for the registry of officers, clerks, and employees in the Federal service, and for other purposes; to the Committee on the Census.

By Mr. ANDERSON of Ohio: Joint resolution (H. J. Res. 315) remitting taxes on Oldroyd collection of Lincoln relics; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 24460) granting an increase of pension to Tarlington B. Carson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24461) granting an increase of pension to Wellington Mills; to the Committee on Invalid Pensions.

By Mr. BARCHFIELD: A bill (H. R. 24462) for the relief of Frederick J. Ernst; to the Committee on Claims.

Also, a bill (H. R. 24463) for the relief of the heirs or legal representatives of Valentine Brasch and others; to the Committee on Claims.

By Mr. BROWN: A bill (H. R. 24464) granting an increase of pension to John B. Sandy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24465) for the relief of L. D. Corrick, administrator of the estate of William Corrick, deceased; to the Committee on War Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 24466) for the relief of the estate of D. T. Hatch; to the Committee on War Claims.

Also, a bill (H. R. 24467) for the relief of the estate of James P. Kennelly; to the Committee on War Claims.

By Mr. CANDLER: A bill (H. R. 24468) granting a pension to George W. Crider; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 24469) granting an increase of pension to William S. Nutting; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 24470) granting an increase of pension to John H. Stone; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 24471) granting a pension to John C. Raymer; to the Committee on Pensions.

Also, a bill (H. R. 24472) granting a pension to Thomas E. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 24473) granting a pension to Frances J. Hays; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 24474) granting an increase of pension to Fannie J. Raiford; to the Committee on Pensions.

Also, a bill (H. R. 24475) granting an increase of pension to Lydia A. Smiley; to the Committee on Pensions.

By Mr. FERGUSON: A bill (H. R. 24476) for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.; to the Committee on Claims.

By Mr. FOSTER: A bill (H. R. 24477) granting a pension to Sarah A. Allen; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 24478) granting a pension to Hanna Matilda Baity; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 24479) granting an increase of pension to Mrs. H. V. Holdsworth; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 24480) granting an increase of pension to Pernel S. Ingram; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 24481) granting an increase of pension to Henry H. Welty; to the Committee on Invalid Pensions.

By Mr. PATTEN of New York: A bill (H. R. 24482) to correct the military record of Chester H. Southworth; to the Committee on Military Affairs.

By Mr. PLUMLEY: A bill (H. R. 24483) granting a pension to Rosa A. Abbott; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 24484) for the relief of James M. Allen, administrator of the estate of William H. Allen, deceased; to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 24485) for the relief of Josiah E. Spurlock; to the Committee on War Claims.

Also, a bill (H. R. 24486) granting a pension to Jacob C. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24487) granting an increase of pension to James L. Sandusky; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24488) granting an increase of pension to Pinckney D. Compton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24489) granting an increase of pension to William F. Martin; to the Committee on Pensions.

Also, a bill (H. R. 24490) for the relief of the heirs of John Ray, deceased; to the Committee on War Claims.

By Mr. SMITH of New York: A bill (H. R. 24491) granting an increase of pension to Chauncy C. Robinson; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 24492) granting an increase of pension to James L. Kale; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Italian Business Men's Association of Buffalo, N. Y., against passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. ALLEN: Petition of the William H. Lythe Relief Corps, of Cincinnati, Ohio, requesting increase of pensions of widows of Civil War veterans; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of A. O. Kern and 5 other citizens of Newark, Ohio, protesting against enactment of interstate-commerce liquor legislation; to the Committee on Interstate and Foreign Commerce.

Also, petitions of G. W. Butterworth, of Philadelphia, Pa.; G. M. H. Wagner & Sons, of Chicago; William M. Royland Co., of Provo, Utah; and of the John R. Williams Brokerage Co., of Denver, Colo., favoring the passage of House bill 17936, for standardization of packages and grades of barreled apples; to the Committee on Coinage, Weights, and Measures.

By Mr. BOWMAN: Petition of W. N. Gregory & Son, of Nanticoke, Pa., against change in the patent laws; to the Committee on Patents.

Also, petition of the German-American Alliance of Philadelphia, Pa., against passage of the Dillingham and Burnett bills, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of D. T. Hatch, of Sumner County, Tenn.; to the Committee on War Claims.

By Mr. CALDER: Petitions of citizens of Brooklyn, favoring passage of bills containing literacy test for immigrants, and of the allied committee of the Political Refugee Defense League of America, of New York, and of the German-American Alliance of Philadelphia, Pa., against passage of Dillingham and other bills, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Cotton Manufacturers, of Boston, Mass., against passage of bills relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges of this country; to the Committee on Agriculture.

Also, petitions of Robert Avery, of Brooklyn, N. Y., favoring passage of House bill 6302, and of the Sons of the American Revolution in the State of New York, favoring passage of Senate bill 271, relative to unpublished archives of the United States Government relating to the War of the Revolution; to the Committee on Military Affairs.

Also, petitions of J. M. Collins, P. W. Taylor, and the American Talking Machine Co., of Brooklyn, and of Sol. Bloom, of New York City, N. Y., against passage of the Oldfield bill to amend the patent laws; to the Committee on Patents.

Also, petitions of the Citizens' Wholesale Supply Co., of Columbus, Ohio, and of McMonagle & Rogers, of Middletown, N. Y.,

against passage of House bill 14060, relative to the national food and drugs act; of John M. Cooper, of Boston, Mass., favoring passage of House bill 17222; and of Henry R. Worthington, of St. Louis, Mo., against passage of House bill 21969 and amendment, prohibiting use of the Panama Canal to any steamship company in which any railroad is interested; to the Committee on Interstate and Foreign Commerce.

By Mr. CANDLER: Papers to accompany bill granting pension to George W. Crider, of Lee County, Miss., a private in Company F, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, in the Civil War; to the Committee on Invalid Pensions.

By Mr. CARY: Petitions of Local District No. 10, International Association of Machinists, and Local No. 10, Metal Polishers and Buffers, Platers, and Brass Workers' Union of North America, of Milwaukee, favoring passage of House bill 22239, prohibiting use of the stop watch in Government shops; to the Committee on the Judiciary.

Also, petition of the Wisconsin Jewelers' Association, against change in patent laws; to the Committee on Patents.

By Mr. DICKINSON: Papers to accompany House bill 22886, granting an increase of pension to Samuel M. Baker; to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of the Philadelphia Drug Exchange, Philadelphia, Pa., against passage of the Richardson bill (H. R. 14060) and other bills to amend national food and drug acts; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of William H. Enhaus and M. Rathstein, of New York City, N. Y., against passage of the Oldfield bill to amend the patent law; to the Committee on Patents.

Also, petition of the National Association of Cotton Manufacturers, of Boston, Mass., against passage of bills relating to sale of cotton, etc., on the cotton exchanges of this country; to the Committee on Agriculture.

Also, petition of T. G. Hawkes & Co., of Corning, N. Y., favoring passage of bill for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of the Thread Agency, of Chicago, Ill., favoring passage of House bill 309, relating to cotton, etc.; to the Committee on Agriculture.

Also, petition of the German-American Alliance, of Philadelphia, Pa., against passage of the Dillingham bill for educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of R. M. Fish, of Philadelphia, Pa., favoring passage of House bill 1339, to pension soldiers of Civil War who lost an arm or leg, etc.; to the Committee on Invalid Pensions.

By Mr. GOULD: Petition of the Barbers' Union of Augusta, Me., favoring passage of House bill 19133, for postal express; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM: Petition of citizens of Springfield, Ill., favoring passage of House bill 22339 and Senate bill 6172, the anti-Taylor-system bills; to the Committee on the Judiciary.

By Mr. HARDWICK: Memorial of railway employees of Macon, Ga., against passage of the workingmen's compensation bill; to the Committee on the Judiciary.

By Mr. HANNA: Petition of citizens of the United States, against passage of House bill 17485; to the Committee on the Public Lands.

Also, petition of citizens of North Dakota, against extension of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, favoring reduction in duty upon raw and refined sugars; to the Committee on Ways and Means.

Also, petition of W. G. Williams, of Arvilla, N. Dak., against passage of the Lever antifuture-trading bill restricting free and open marketing of grain; to the Committee on Agriculture.

By Mr. HENRY of Connecticut: Petition of the Daughters of Liberty, of Warehouse Point, Conn., favoring passage of the Gardner bill for educational test of immigrants, and of Charter Oak Lodge, No. 610, Independent Order B'rith Abraham, of Hartford, Conn., against passage of House bill 22527, for educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Resolutions of the Workmen's Circle of New York and the German-American Alliance of Philadelphia, Pa., against passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Board of Trade of Paterson, N. J., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Petition of Leopold Allenberg and 10 others, of San Francisco, Cal., favoring passage of Senate bill 291 and

House bill 1235, for a graded retirement law; to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: Resolutions of the Grand Lodge, I. O. K. S., of Newark, N. J., against passage of the Dillingham bill and other bills containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Petitions of the Allied Committee of the Political Refugee Defense League of America, New York; of citizens of Philadelphia; of the United Polish Societies of Brooklyn, N. Y.; of the Jewish community, New York; of the United Hebrew Trades, New York, in opposition to the passage of the Dillingham bill (S. 3175) for the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Central Federated Union, New York, favoring passage of the Hughes eight-hour bill (H. R. 9061); to the Committee on Labor.

Also, petition of the Rochester Chamber of Commerce, favoring the passage of the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Sons of the Revolution in the State of New York, favoring appropriation for the gathering and publishing of all records and archives relative to the War of the Revolution; to the Committee on Military Affairs.

Also, petition of the New York Board of Trade and Transportation, New York, favoring passage of Senate bill 2117, for placing the salaries of the officers of the Public Health and Marine-Hospital Service on a parity with other services; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of Lithuanian Workers, Brooklyn, N. Y., protesting against passage of Dillingham bill (S. 3175) for literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of S. Bometstein, Brooklyn, N. Y., protesting against any change in the patent laws; to the Committee on Patents.

Also, petition of T. G. Hawkes & Co., Corning, N. Y., favoring passage of the 1-cent postage rate for letters; to the Committee on the Post Office and Post Roads.

Also, petition of the American Talking Machine Co., Brooklyn, N. Y., and the National Association of Talking Machine Jobbers, Pittsburgh, Pa., protesting against proposed change in the patent laws; to the Committee on Patents.

Also, petition of the Silverton Commercial Club, of Silverton, Colo., favoring passage of bill to establish a mining experiment station at Silverton, Colo.; to the Committee on Mines and Mining.

Also, petition of the Sons of the Revolution in the State of New York, favoring passage of Senate bill 271, relative to unpublished archives of the United States Government relating to the War of the Revolution; to the Committee on Military Affairs.

Also, petition of William P. Doran, of Springfield, Mo., favoring passage of House bill 17167, to grant pensions to members of Capt. W. L. Fenix's Company M, Seventy-third Regiment Enrolled Missouri Militia; to the Committee on Invalid Pensions.

Also, petition of Walter R. Shewman, of Rochester, N. Y., favoring passage of House bill 1339, for pensions for veterans who lost limbs in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Stark Distillery Co., of St. Louis, Mo., against passage of Webb bill (H. R. 17595)—interstate liquor law; to the Committee on the Judiciary.

Also, petition of the Fifteenth Assembly District Socialist Party, Brooklyn, N. Y., and the German-American Alliance of Philadelphia, Pa., against passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Bernard Magoonough, favoring passage of House bill 1339, for pensions of Civil War veterans; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Resolutions of Benj. Franklin Lodge, No. 58; Hebrew Beneficial Lodge, No. 138; Spolier Lodge, No. 40; Henry Sherman Lodge, No. 81; King Solomon Lodge, No. 101; Sol Widrewitz Lodge, No. 96; Louis Singer Lodge, No. 18; Star Beneficial Lodge, No. 112; Ellis Lodge, No. 592, of Philadelphia, Pa.; and Second Praislower Lodge, No. 245, Independent Order B'rith Solomon, of Brooklyn, N. Y., against passage of the Burnett and Dillingham bills, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MURRAY: Petitions of Hebrew Progressive Lodge, Independent Order B'rith Abraham; Commonwealth Lodge, of Boston, Mass.; Political Refugee Defense League of America; Ansky Dowig Lodge, of Boston, Mass.; Knights of Liberty Lodge; East Boston Lodge; Polish-American organizations; Unity Lodge; Young Men's Lodge; Historic Lodge; Pride of

New England Lodge; and Lord Beaconsfield Lodge, Independent Order B'rith Abraham, of Boston, Mass.; and United Hebrew Trades of New York, against passage of the Dillingham bill containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of Y. M. Silver City Lodge, No. 152, Independent Order B'rith Abraham, Meriden, Conn., against passage of the Dillingham bill containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Texas: Papers to accompany bill granting an increase of pension to James L. Kale, of Altura, El Paso County, Tex., private, Troop E, Sixth United States Cavalry; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: Petition of the United Trades and Labor Council of Buffalo, N. Y., favoring passage of House bills 11372 and 23675, relative to sufficient lifeboats, etc., on ocean steamers; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of the State of New York, favoring passage of House bill 22339 and Senate bill 6172, against stop-watch system in Government shops; to the Committee on the Judiciary.

Also, petition of the Italian-American Business Men's Association of Buffalo, N. Y., and New Live, No. 175, Polish-Americans, against passage of the Dillingham bill containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. TALCOTT of New York: Resolution of the Workmen's Circle of New York and Roscoe Conkling Lodge, No. 364, Independent Order B'rith Abraham, of Utica, N. Y., against passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, resolutions of the American Cotton Manufacturers' Association, against all bills relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges of this country; to the Committee on Agriculture.

By Mr. TILSON: Petition of the Daughters of Liberty of New Haven, Conn., favoring passage of bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WARBURTON: Petition of the Woman's Christian Temperance Union of Waitsburg, Wash., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SUNDAY, May 12, 1912.

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore [Mr. SIMS].

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Love! O Life! our faith and sight
Thy presence maketh one;
As through transfigured clouds of white
We trace the noonday sun.
So, to our mortal eyes subdued,
Flesh-veiled, but not concealed,
We know in Thee the fatherhood
And heart of God revealed.

Blessed faith, hope, and love which Thou hast woven into the tissues of our being, which holds us close to Thee in joys or sorrows, in life or death. We know that the body dies but the spirit which animated it lives in some higher realm where its longings, hopes, and aspirations will be fulfilled. "For none of us liveth to himself, and no man dieth to himself. For whether we live, we live unto the Lord; and whether we die, we die unto the Lord; whether we live therefore, or die, we are the Lord's. For to this end Christ both died, and rose, and revived, that He might be Lord both of the dead and living." We thank Thee for the strong, pure, noble, brave character possessed by the Member in whose memory we are assembled. Quick to perceive, strong in action, whether on the field of battle or in the quiet, peaceful pursuits of life, he fulfilled to a conspicuous degree the expectations of those who called him to service in State or Nation.

His work well done, the angel of death bore him to a higher service. The work of a true man lives after him, for nothing pure, nothing sublime can perish. Comfort, we beseech Thee, his colleagues and friends and the dear wife who kept close to his side and shared his joys and sorrows, victories and defeats; and bring her in Thine own time to dwell with him in love forever. And Thine be the praise through Jesus Christ our Lord. Amen.

The SPEAKER pro tempore. The Clerk will read the Journal of the proceedings of yesterday.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the reading of the Journal be dispensed with. Is there objection?

There was no objection.

The Journal was approved.

THE LATE REPRESENTATIVE GORDON.

Mr. McKELLAR. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

House resolution 535.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. GEORGE WASHINGTON GORDON, late a Member of this House from the State of Tennessee.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. SHERWOOD. Mr. Speaker, I knew Gen. GORDON well. We both came into the Sixtieth Congress, having been elected in 1906. I boarded with him at the same hotel and sat with him and his good wife at the same table during the first session of that Congress. I was associated with him for four years in the Committee on Military Affairs, and perhaps knew him as well and as intimately as any Member outside of his own State.

As a preliminary, allow me to say that the war in which Gen. GORDON was engaged was the most remarkable war in all history. There is nothing to compare with it in intensity and desperation. It was the longest enduring war of modern times, and the fiercest and bloodiest battles in all history were fought during the four years of its continuance. During the war of the American Revolution, which lasted for 7 years, only 7 battles were fought per year. But 49 battles were fought during the entire war. In the Civil War over 2,000 battles were fought, and in 882 battles more men were killed and wounded than in the bloodiest battle of the American Revolution—the Battle of the Brandywine.

There is another peculiarity about the Civil War that attaches to no other war: It was the only war in all history where the soldiers on both sides sang patriotic and heroic songs on the march and around the bivouac fires at night. During the whole of the war of the American Revolution, lasting seven years, there was not a patriotic song written. The nearest they came to it was Yankee Doodle, the words of which are silly and without patriotic import, but the music was well adapted to the fife and drum.

In the War of 1812 there was not a patriotic song written or sung by our soldiers. The Star Spangled Banner, by Francis Scott Key, in 1814, was written near the close of the war. He was on a British man-of-war and saw the bombardment of Fort Henry at night and saw through the night that "our flag was still there." This grand national anthem was set to music and first sung by a Scotch actor, Ferdinand Durand, in a Baltimore theater. The music of the Star Spangled Banner was from "Anacreon in Heaven," a melody written by John Stafford Smith, of London, England, in 1773. But in our Civil War, on both sides of the battle line, over 100 war songs were inspired that were sung by our soldiers. One of the grandest lyrics of the war on the southern side was written by James R. Randall, of Maryland. He was but a stripling boy, almost, when he wrote it, although he had graduated in a Maryland college and was at the time a professor of a Louisiana college. He wrote that poetic gem to induce his State to secede from the Union. I first heard that song down on the Holstein River, in east Tennessee, about 20 miles south of Knoxville. It was our first day in from over the Cumberland Mountains and I was ordered to place a picket line around our camp from right to left, resting on the river.

Just as I was placing the picket line upon the left, by the road that ran along the river, I heard a sweet voice singing:

The despot's heel is on thy shore, Maryland!
His touch is at thy temple door, Maryland!
Avenge the patriotic gore
That flecked the streets of Baltimore,
And be the battle queen of yore,
Oh, Maryland, my Maryland!

I had not heard a woman's voice in song for over a year. I looked down into the thicket and caught a glimpse of a cottage by the river side and saw a girl at a piano. Just then there was a picket shot on the line, and I heard the clang of a saber, followed by the rattling of hoofs. The captain of a small force of Confederate scouts galloped out into the darkness. The song stopped at a semicolon, and I never heard the